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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)
vs.
CARLOS JAVIER FIGUEROA, Rochester, New York
Defendant. June 1, 2021
9:59 a.m.
- - - - -X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.
United States Attorney
BY: ROBERT A. MARANGOLA, ESQ.
CASSIE M. KOCHER, ESQ.
Assistant United States Attorneys
500 Federal Building
Rochester, New York 14614
Appearing on behalf of the United States

PAUL J. VACCA, JR., ESQ.
One East Main Street, Suite 1000
Rochester, New York 14614
Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter
James Hontoria, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)
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I N D E X

WITNESS FOR THE GOVERNMENT

Roberto Figueroa

Direct examination by Mr. Marangola

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P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present).

GOVERNMENT'S WITNESS, ROBERTO FIGUEROA, SWORN

DIRECT EXAMINATION

THE COURT: Mr. Figueroa, speak loudly into the microphones. You may proceed.

MR. MARANGOLA: Thank you, Your Honor.

BY MR. MARANGOLA:

Q. Good morning.

A. Good morning.

Q. Would you please yourself to the jury?

A. My name is Roberto Figueroa.

Q. How are you today, Mr. Figueroa?

A. I'm nervous, but I'm all right.

Q. Mr. Figueroa, were you arrested and charged in federal court in connection with a narcotics conspiracy in which Carlos Figueroa, also known as Javi, and others are charged?

A. Yes.

Q. Where were you arrested?

A. I was arrested January 29, 2018.

Q. When were you arrested?

A. I was arrested 292 Barrington Street.

Q. That's in the City of Rochester?

A. Yes.

09:59:20AM

09:59:35AM

09:59:45AM

10:00:02AM

10:00:14AM

1 Q. Were you inside the location at the time of your arrest?

2 A. Yes.

3 Q. Were you living there at the time of your arrest?

4 A. Yes.

10:00:26AM 5 Q. Who were you living there with?

6 A. I was living there with Leitscha and my ex-girlfriend, my
7 baby.

8 Q. What's Leitscha's last name?

9 A. Poncedeleon.

10:00:38AM 10 Q. When you say your ex-girlfriend, what's her name?

11 A. Nioslen Montero.

12 Q. Can you spell the first and last name for us?

13 A. N-I-O-S-L-E-N, M-O-N-T-O-R-O.

14 Q. As well as --

10:01:04AM 15 A. T-E-R-O.

16 Q. Was your -- you said you were living with Leitscha,
17 Ms. Montero and who else?

18 A. My baby.

19 Q. All right. Was your house searched at the time of your
10:01:19AM 20 arrest?

21 A. Yes.

22 Q. And the police seized guns and drugs out of that location;
23 is that right?

24 A. Yes.

10:01:26AM 25 Q. Did you agree to plead guilty and cooperate in connection

1 with the federal charges?

2 A. Yes.

3 Q. I'd like you to look down at your monitor next to you and
4 I'd like to put on the screen there, which is not in evidence,
10:01:45AM 5 Government's Exhibit 784. We're going to scroll through the
6 pages of that. Mr. Figueroa, do you recognize Government's
7 784?

8 A. Yes.

9 Q. What do you recognize that to be?

10:02:20AM 10 A. My signature.

11 Q. All right. What is the document that we just showed you,
12 the 18 page document marked Government's Exhibit 784?

13 A. That's a plea agreement.

14 Q. Pardon?

10:02:33AM 15 A. My plea agreement.

16 Q. Your plea agreement?

17 A. Yes.

18 Q. And we have it up here on the last page. Is that your
19 signature and that of your attorney's on there?

10:02:45AM 20 A. Yes.

21 Q. And that's the plea agreement that you entered into with
22 the Government in this case?

23 A. Yes.

24 Q. In this plea agreement did you agree to cooperate with the
10:02:56AM 25 Government?

1 A. Yes.

2 Q. And are you testifying here pursuant to that agreement to
3 cooperate that's contained within the plea agreement marked
4 Government's 784?

10:03:08AM 5 A. Yes.

6 Q. And you have not been sentenced; is that correct?

7 A. Yes.

8 Q. All right. Would you mind telling the jury how old are
9 you?

10:03:19AM 10 A. I'm 45 years old.

11 Q. And where were you born and raised?

12 A. I was born in Brooklyn, and I been in Puerto Rico -- I was
13 raised in Puerto Rico.

14 Q. All right. Mr. Figueroa, Ms. Macri here is our court
10:03:34AM 15 reporter, and as much as she likes a challenge, you speak very
16 quickly. So if I could ask you to slow it down a little bit
17 it will help Ms. Macri, okay?

18 A. Okay.

19 Q. You said you were born in Brooklyn, but raised in
10:03:49AM 20 Puerto Rico?

21 A. Yes.

22 Q. Do you have any siblings?

23 A. Yes, three siblings.

24 Q. And who are your siblings?

10:03:58AM 25 A. Carlos Javier Figueroa, Felix Figueroa, and Jeral

1 Figueroa.

2 Q. How do you spell the name of the last brother?

3 A. J-E-R-A-L.

4 Q. Do you see any of your brothers in court here today?

10:04:17AM 5 A. Yes.

6 Q. Which brother do you see in Court?

7 A. I see my brother Javi/Carlos.

8 Q. And you just raised your finger and pointed?

9 A. Yeah, he's sitting over there.

10:04:26AM 10 Q. Can you tell us what he's wearing and point to him so we
11 know which individual you're referring to?

12 A. White shirt with a tie.

13 **MR. MARANGOLA:** Your Honor, may the record reflect

14 Mr. Figueroa has identified the defendant Carlos Javier

10:04:42AM 15 Figueroa?

16 **THE COURT:** Yes, the record will note the
17 identification of the defendant Carlos Javier Figueroa.

18 **MR. MARANGOLA:** Thank you.

19 **BY MR. MARANGOLA:**

10:04:49AM 20 Q. And if we could put on the screen what is in evidence as
21 Government's Exhibit 28. Mr. Figueroa, do you recognize the
22 individual shown in Government's Exhibit 28?

23 A. Yes.

24 Q. And who is that?

10:05:04AM 25 A. That's my brother Javi.

1 Q. And that's your brother Javi?

2 A. Yes.

3 Q. The same person you identified in court here?

4 A. Yes.

10:05:13AM 5 Q. All right. Mr. Figueroa, can you tell us are you married?
6 Are you single?

7 A. Single.

8 Q. You mentioned you have a child. How many children do you
9 have?

10:05:21AM 10 A. I have one children.

11 Q. I'm sorry?

12 A. I have a little girl, my little girl.

13 Q. One child?

14 A. Yes.

10:05:27AM 15 Q. A daughter?

16 A. Yes.

17 Q. And how old is she?

18 A. She's 3.

19 Q. Mr. Figueroa, can you tell the jury how far did you get in
10:05:35AM 20 school?

21 A. GED.

22 Q. You said you got a GED?

23 A. Yes.

24 Q. When you were raised in Puerto Rico, did you go to school?

10:05:46AM 25 A. I dropped out in 7th grade.

1 Q. Dropped out of school in 7th grade in Puerto Rico?

2 A. Yes.

3 Q. One more thing I'm going to ask of you. If you could make
4 sure you wait until I'm finished with my question before you
10:05:59AM 5 answer because then it will also make it easier for Ms. Macri
6 to take down what you say because she can't take down what two
7 people are saying at the same time, okay?

8 A. Okay.

9 Q. All right. So you dropped out in 7th grade in Puerto Rico;
10:06:15AM 10 is that right?

11 A. Yes.

12 Q. And you eventually got your GED?

13 A. Yes.

14 Q. What years were you in Puerto Rico? What ages were you?

10:06:26AM 15 A. I was in Puerto Rico when I was 2 years old, I came to
16 Patterson, New Jersey when I was like around -- going to 17.

17 Q. Going around 17?

18 A. Yeah, 17, yes.

19 Q. So you were in Puerto Rico from about 2 to close to -- you
10:06:42AM 20 were 17?

21 A. Yes.

22 Q. And since you came to the continental United States in
23 New Jersey when you were close to 17, have you been in the
24 continental United States ever since?

10:06:53AM 25 A. Yes.

1 Q. What language did you first learn growing up in
2 Puerto Rico?

3 A. Spanish.

4 Q. All right. Now you're speaking English in court here
10:07:04AM 5 today; is that right?

6 A. Yes.

7 Q. So you speak English and Spanish?

8 A. Yes.

9 Q. Can you read and write both English and Spanish?

10:07:15AM 10 A. Yes.

11 Q. So you're basically fluent in both languages?

12 A. Yes.

13 Q. All right. If you don't understand any of my questions,
14 let me know, okay? Same thing with the other attorney when he
10:07:28AM 15 asks you questions: If you don't understand his questions,
16 let him know, all right?

17 Why did you come to the United States when you were
18 going on 17? I mean to the continental United States.

19 A. Because I was getting in trouble in Puerto Rico and my
10:07:46AM 20 mother sent me over here.

21 Q. You were getting in trouble in Puerto Rico?

22 A. Yes.

23 Q. And your mother sent you over here?

24 A. Yes.

10:07:51AM 25 Q. Do you see your mother in court here today?

1 A. Yes.

2 Q. Is she in the audience?

3 A. Yes.

4 Q. All right. When you came to the United States you said you
10:08:11AM 5 went to Patterson, New Jersey?

6 A. Yes.

7 Q. Who did you live with?

8 A. My mother's friend.

9 Q. With your mother's friend?

10:08:18AM 10 A. Yes.

11 Q. Was there a family?

12 A. No. Friend -- her friend and friend's family.

13 Q. Did you enroll in high school?

14 A. No.

10:08:27AM 15 Q. Did you end up getting into trouble in New Jersey as well?

16 A. Yes.

17 Q. Did you end up going to prison in New Jersey for a felony
18 conviction?

19 A. Yes.

10:08:39AM 20 Q. And what was that conviction?

21 A. It was manslaughter.

22 Q. Can you tell the jury what happened?

23 A. Yes. I was getting robbed and me and the person trying to
24 rob me, we got into a altercation and I took the knife from
10:08:56AM 25 the person and I stab him twice with a knife and he happen to

1 die in the hospital.

2 Q. All right. How old were you when that happened?

3 A. 17.

4 Q. Did you go to trial or plead guilty?

10:09:10AM 5 A. Plead guilty.

6 Q. Can you tell the jury what were you sentenced to?

7 A. Sentenced me to 30 with a 12 stip.

8 Q. Can you explain to the jury what a 30 with a 12 stip is?

9 A. That I had to do 12 years, and they could hold me up to 30
10:09:31AM 10 years after the 12 years.

11 Q. And did you end up serving more than 12 years in prison in
12 New Jersey?

13 A. Yes.

14 Q. About how much did you end up serving?

10:09:42AM 15 A. About 20, 21 years.

16 Q. After serving 20 or 21 years in a New Jersey prison, when
17 were you released?

18 A. I was released in 2013.

19 Q. How old were you when you were released?

10:09:57AM 20 A. 38 years old.

21 **THE CLERK:** Judge, the interpreter is having an
22 issue.

23 **THE COURT:** You okay? Thank you. You may proceed.

24 **MR. MARANGOLA:** Thank you.

10:10:14AM 25 **BY MR. MARANGOLA:**

1 Q. You said you were about 38 years old when you were
2 released --

3 A. Yes.

4 Q. -- from prison?

10:10:21AM 5 A. Yes.

6 Q. Where did you go when you were released from prison in
7 New Jersey?

8 A. Came to Rochester.

9 Q. Why did you come to Rochester?

10:10:29AM 10 A. Because my mother live over here with my brothers and my
11 sisters.

12 Q. Your mother lived up here with your brothers and sisters?

13 A. Yes.

14 Q. Now, you testified earlier to having three brothers; is
10:10:40AM 15 that right?

16 A. Yes, three brothers from the same mother and father; and I
17 got other half brothers and sisters.

18 Q. Your brothers Javi, Felix and Jeral, they're from the same
19 mother and father as you have?

10:11:02AM 20 A. Yes, same mother and father.

21 Q. Again, let me finish my question, okay? So there are four
22 brothers; is that right?

23 A. Yes.

24 Q. Are you -- what number are you?

10:11:14AM 25 A. I'm the oldest.

1 Q. What number is Javi?

2 A. The second.

3 Q. Okay. And then you indicated you have some half siblings?

4 A. Yes.

10:11:22AM 5 Q. And some of them were in Rochester as well as your
6 brothers and your mother?

7 A. Yes.

8 Q. When you came here in 2013?

9 A. Yes.

10:11:31AM 10 Q. Now, at the time of your arrest in 2018 where did your
11 mother live?

12 A. My mother live in 60 Malling.

13 Q. 60 Malling?

14 A. Yes.

10:11:50AM 15 Q. I'm going to ask you to take a look at Government's
16 Exhibit 99 which is in evidence. Do you recognize that house?

17 A. Yes.

18 Q. What do you recognize that house to be?

19 A. My mother house.

10:12:02AM 20 Q. That's your mother's house?

21 A. Yes.

22 Q. On Malling?

23 A. Yes.

24 Q. Okay. Mr. Figueroa, you came to Rochester in 2013 you
10:12:14AM 25 said. Have you been in Rochester ever since?

1 A. Yes.

2 Q. At the time you came to Rochester in 2013, where did your
3 brother Javi live?

4 A. He was living on Burbank, 6 Burbank.

10:12:28AM 5 Q. Javi was living on Burbank?

6 A. Yeah, 6 Burbank.

7 Q. I'd like to show you Government's Exhibit 19 in evidence.
8 Do you recognize what's shown in this still photo?

9 A. Yes.

10:12:44AM 10 Q. Tell us what you recognize.

11 A. Recognize the house.

12 Q. Whose house?

13 A. My brother Javi house.

14 Q. If you touch your screen it will make a mark and then
10:12:54AM 15 we'll know which of the houses shown in Government's 19 you
16 recognize as your brother Javi's. All right. For the record
17 you made a mark on the white house on the far left of the
18 screen; is that right?

19 A. Yes.

10:13:05AM 20 Q. And the far left of that photo?

21 A. Yes.

22 Q. And that's where your brother was living at the time you
23 first moved to Rochester?

24 A. Yes.

10:13:13AM 25 Q. What about your mother? Where was your mother living when

1 you first came to Rochester in 2013?

2 A. When I first came to Rochester in 2013 my mother was --
3 lived in 699 East Main Street.

4 Q. 699 East Main Street?

10:13:29AM 5 A. Yes.

6 Q. Is that an apartment building?

7 A. Apartment building, yeah.

8 Q. I'd like to show you Government's 94. Do you recognize
9 what's shown in Government's 94?

10:13:43AM 10 A. Yes.

11 Q. What building do you recognize in Government's 94? You've
12 touched the large brick building in the center of that
13 photograph, correct?

14 A. Yes.

10:13:53AM 15 Q. What building do you recognize that to be?

16 A. That was my mother -- my mother used to live at.

17 Q. Do you know the address of that building?

18 A. 699 East Main.

19 Q. All right. When you first came back to Rochester in 2013,
10:14:11AM 20 where did you first live?

21 A. I was living -- I stay with my mother for a few weeks.

22 Q. Then where did you go?

23 A. Then I went to live with some girl I met.

24 Q. And did you move around to different places until your
10:14:26AM 25 arrest in 2018?

1 A. Yes.

2 Q. Were those apartments all in the City of Rochester?

3 A. Yes.

4 Q. Do you recall any of the addresses?

10:14:40AM 5 A. I was living Liberty Pole.

6 Q. Liberty Pole. Do you remember what the name of the
7 apartments were?

8 A. No.

9 Q. I'm going to show you Government's Exhibit 90 and 91.

10:14:58AM 10 Mr. Figueroa, if you touch the top right corner of your screen

11 --

12 A. Yes.

13 Q. -- a menu button should come on. Do you see that green
14 menu, that little green arrow?

10:15:12AM 15 A. Yes.

16 Q. If you touch that, you see now on the bottom left of that
17 group of icons that showed up it says clear?

18 A. Yes.

19 Q. If you press clear that will remove any of the marks that
10:15:26AM 20 you made on the screen, okay?

21 A. Yes.

22 Q. All right. Did you recognize the apartments shown in
23 Government's 90 and 91?

24 A. Yes.

10:15:35AM 25 Q. What do you recognize those apartments to be?

1 A. That's Liberty Pole, Lincoln apartment where I used to
2 live at.

3 Q. You used to live in those apartments?

4 A. Yes.

10:15:44AM 5 Q. All right. Where else did you live between the time you
6 first came to Rochester and your arrest?

7 A. I live in Fernwood, 59 Fernwood.

8 Q. All right. I'd like to show you Government's Exhibit 71.
9 Do you recognize what's shown in Government 71?

10:16:05AM 10 A. Yes.

11 Q. All right. And you just made a mark; is that right? You
12 touched the screen already on the yellow house?

13 A. Yes.

14 Q. What do you recognize that to be?

10:16:17AM 15 A. I was living there.

16 Q. Is that 59 Fernwood?

17 A. Yes.

18 Q. Who owns that house?

19 A. My brother Javi.

10:16:22AM 20 Q. Do you recall -- if you can clear that mark now? Do you
21 recall some of the other locations that you lived?

22 A. I lived in Burbank one time.

23 Q. In Burbank?

24 A. Yes, 6 Burbank.

10:16:45AM 25 Q. 6 Burbank?

1 A. Yes.

2 Q. Your brother's house?

3 A. Yes.

4 Q. All right. You previously identified that. Any other
10:16:52AM 5 locations that you recall living?

6 A. I live at -- next to the General Hospital, the apartment
7 building there.

8 Q. Next -- I'm sorry, next to the General Hospital?

9 A. Yes.

10:17:03AM 10 Q. An apartment building?

11 A. Yeah, an apartment building, yeah.

12 Q. I'd like to show you Government's 106. Do you recognize
13 what's shown in Government's 106?

14 A. Yes.

10:17:21AM 15 Q. What do you recognize that to be?

16 A. That's where I was living at.

17 Q. Pardon?

18 A. That's where I was living at.

19 Q. What did you refer to the apartments shown in Government's
10:17:32AM 20 106 where you were living at?

21 A. I was living in the first floor in that building.

22 Q. What's near these apartments?

23 A. Next to the General Hospital.

24 Q. Next to it is Rochester General Hospital?

10:17:46AM 25 A. Yes.

1 Q. All right. And then you testified that at the time of your
2 arrest you were living at 292 Barrington Street?

3 A. Yes.

4 Q. And we'll show you Government's Exhibit 70. Do you
10:18:03AM 5 recognize what's shown there?

6 A. Yes.

7 Q. What is that?

8 A. That's 292 Barrington Street.

9 Q. And is 292 Barrington Street a single or double family
10:18:12AM 10 house?

11 A. Double family house.

12 Q. Which part of the house did you live in with Leitscha and
13 Ms. Montero and your daughter at the time of your arrest?

14 A. I was living left side.

10:18:25AM 15 Q. You made a mark on the left side of that house?

16 A. Yes.

17 Q. Okay. If you could clear your mark then? What did you do
18 for a living --

19 **THE COURT:** Mr. Figueroa, bring the microphone
10:18:54AM 20 closer so we can hear you. Great, thank you. Go ahead.

21 **MR. MARANGOLA:** Thank you, Judge.

22 **BY MR. MARANGOLA:**

23 Q. Mr. Figueroa, what did you do for a living when you first
24 moved to Rochester?

10:19:01AM 25 A. I was working factory work.

1 Q. Were you in contact with your brother Javi?

2 A. Yes, every day.

3 Q. You saw him every day?

4 A. Yes.

10:19:12AM 5 Q. Based on your daily contact with him, what was Javi doing
6 for a living when you first came to Rochester in 2013?

7 **MR. VACCA:** Objection, Your Honor.

8 **THE COURT:** Overruled.

9 **BY MR. MARANGOLA:**

10:19:25AM 10 Q. You can answer.

11 A. Selling drugs.

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled. The answer will stand.

14 **BY MR. MARANGOLA:**

10:19:33AM 15 Q. Mr. Figueroa, did there come a time after moving to
16 Rochester that you became involved in the drug business?

17 A. Yes.

18 Q. And about when was that?

19 A. Around 2013.

10:19:43AM 20 Q. So shortly after you got to Rochester then?

21 A. Yes, a few months after that.

22 Q. A few months after that?

23 A. Yes.

24 Q. Who did you work for in the drug business when you got
10:19:56AM 25 involved in it?

1 A. For my brother Javi.

2 Q. How long did you work for your brother in the drug
3 business after you first got involved?

4 A. When I first got involved 2013 until I got arrested --
10:20:15AM 5 until the time I was arrested in 2018.

6 Q. So you were still working for your brother Javi in the
7 drug business at the time of your arrest?

8 A. Yes.

9 Q. At this residence here Government's Exhibit 70?

10:20:31AM 10 A. Yes.

11 Q. Was working for Javi in the drug business your only source
12 of income up until your arrest in January 2018?

13 A. No, it wasn't my only source of income. I was working.

14 Q. When you say you were working, what were you -- what else
10:20:48AM 15 were you doing?

16 A. I was doing factory work.

17 Q. You were still doing factory work?

18 A. Yes.

19 Q. Where did you work doing factory work?

10:20:55AM 20 A. I was working at LiDestri.

21 Q. LiDestri?

22 A. Yes.

23 Q. And what do they do at LiDestri?

24 A. Make sauce.

10:21:03AM 25 Q. Make sauce?

1 A. Yes.

2 Q. What kind of work did you do at LiDestri?

3 A. I was making sauce.

4 Q. Specifically what kind of stuff were you doing?

10:21:14AM 5 A. Put the condiments together to make a sauce.

6 Q. All right. How much were you getting paid while you were
7 working at LiDestri?

8 A. Getting paid like 400 some dollars.

9 Q. 400 some dollars?

10:21:26AM 10 A. Yes.

11 Q. For how many days of work?

12 A. For five days a week.

13 Q. All right. What was your salary per hour?

14 A. Minimum wage.

10:21:37AM 15 Q. Now, Mr. Figueroa, were you the only person involved in
16 Javi's drug business between 2013 and your arrest in 2018?

17 A. No.

18 Q. Based on your participation in working for your brother
19 Javi between 2013 and your arrest in 2018, were you familiar
10:22:10AM 20 with how Javi's drug operation worked?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** Yes.

24 **BY MR. MARANGOLA:**

10:22:17AM 25 Q. You can answer.

1 A. Yes.

2 Q. All right. What drugs did Javi's operation sell?

3 A. Heroin, cocaine, and crack.

4 Q. Crack cocaine?

10:22:28AM 5 A. Yes.

6 Q. Can you describe generally to the jury how Javi's
7 operation worked?

8 A. My brother had somebody in Puerto Rico named Pablo that
9 does the connect. Pablo get the kilos of cocaine to this guy
10 named Freddie. Freddie will wrap the kilo, wrap it up in
11 carbon paper, and put it inside Skittle boxes or M&M box,
12 contain a whole bunch of candy, put it in a big box of candy,
13 they will mail it to Rochester and they will inform my brother
14 when they mail it, they will say when it was going to arrive,
10:23:14AM 15 and the people that get the packages tell my brother they
16 arrive, and my brother go or Lei go or I go with them, we get
17 the packages.

18 And after we get the packages we take them to 292
19 Barrington Street. We got to wait for my brother. He's the
10:23:28AM 20 only one that open the packages up because he's the leader of
21 the group, nobody can open nothing if he don't open it. He
22 got to make sure everything is all right.

23 So he open the box -- he open the box, open the
24 Skittle boxes, take the kilo out, he start to unwrap it real
10:23:49AM 25 careful, some got liquid in there and he get the Skittle, he

1 put the Skittle --

2 **MR. VACCA:** Objection, narrative.

3 **THE COURT:** Sustained. Maybe ask some additional
4 questions.

10:24:00AM 5 **BY MR. MARANGOLA:**

6 Q. All right. After the defendant opened the boxes and
7 removed the kilos from the candy boxes, what did you see him
8 do? What would he do?

9 A. He open the kilo -- he open the kilo, unwrap the kilo, he
10 start open the plastic stuff that got liquid in there, so he
11 open it real careful. After the last layer it's like rubber
12 band. He take the rubber band out, then he put the kilo on
13 the scale make sure the amount is supposed to be, then he
14 start breaking it in 62 in pieces.

10:24:16AM 15 So he weigh it make sure it's 62 grams in them, he
16 make 16 62s; some of them get break down to smaller quantity
17 to 31s, and the 31s get break down to smaller quantities so he
18 can take it to the block and sell them in a block -- the
19 houses on the block to sell drugs for him and --

10:24:34AM 20 **MR. VACCA:** Objection, Your Honor, narrative.

21 **THE COURT:** Sustained. Ask more questions. Thank
22 you.

23 **BY MR. MARANGOLA:**

24 Q. Mr. Figueroa, you said the kilos would get broken down by
10:25:05AM 25 your brother into 62 gram quantities?

1 A. Yes.

2 Q. And then you said you had 16. How many 62 gram quantities
3 make up a kilo?

4 A. 16.

10:25:19AM 5 Q. Okay. And then you said some of them were broken down into
6 smaller quantities?

7 A. Yes.

8 Q. And where were the smaller quantities of cocaine sold?

9 A. In different areas of Rochester, different blocks my
10 brother own.

11 Q. Different blocks that your brother owned?

12 A. Yes, different blocks my brother own.

13 Q. Where did the -- where did the opening of the boxes that
14 had the kilos in them and the breaking it down into 62s occur?

10:25:53AM 15 A. 292 Barrington Street.

16 Q. The location on your screen here?

17 A. Yes.

18 Q. All right. What were some of the locations -- you just
19 said the blocks. What were some of the locations that your

10:26:06AM 20 brother had that smaller quantities of cocaine were sold from?

21 A. Burbank, Burbank Street, LaForce Street, Conkey,
22 Remington.

23 Q. All right. Now, you earlier mentioned that your brother
24 was involved in selling heroin as well?

10:26:31AM 25 A. Yes.

1 Q. Can you describe just generally how the heroin side of the
2 operation worked?

3 A. Are you referring to -- before when I first started?
4 Because when I was in Barrington --

10:26:47AM 5 Q. Sure, let's talk about in the beginning.

6 A. In the beginning he was -- he took me to the heroin, he
7 asked me -- he took me to the second floor. We had an
8 apartment there.

9 Q. Mr. Figueroa, I'm sorry to interrupt you. I'm talking
10:27:01AM 10 about just generally how the heroin distribution worked in the
11 beginning.

12 A. Yes, so he put it in -- for the grams inside the blender,
13 he put some pills and horse anesthetic he mixed the dope with,
14 then he put it on a scale, he measure it on the scale, he put
10:27:20AM 15 it on a table, a big square glass on top of the table.

16 **MR. VACCA:** Objection, Your Honor, narrative.

17 **THE COURT:** Overruled. Go ahead, you can finish
18 your answer.

19 **THE WITNESS:** Big square glass on top of the table
10:27:42AM 20 where he put the heroin in, he dump it in. Thereafter he cut
21 it -- what you got to do with it, and then with the spoon,
22 McDonalds spoon, small spoon, after we open the baggies they
23 stamp and everything, they start working the spoon. And the
24 job that I was doing was putting tape on the -- on the bags.

10:28:03AM 25 **BY MR. MARANGOLA:**

1 Q. Where were those small bags of heroin sold?

2 A. That was sold on the block.

3 Q. In the same areas where the smaller bags of cocaine were
4 sold?

10:28:13AM 5 A. Yes.

6 Q. Now, you mentioned that the kilos were broken down into 62
7 gram quantities?

8 A. Yes.

9 Q. Were there larger quantities -- other than the small bags
10:28:26AM 10 that were sold on the block, other than those bags were there
11 larger quantities of cocaine that were sold by the defendant?

12 A. Yes. Some were kilo to get sold.

13 Q. Some of the -- some of those were stored to get sold as
14 what?

10:28:42AM 15 A. Weight.

16 Q. What kind of weight? How much?

17 A. 30,000 for each kilo, sell them as weight.

18 Q. So sometimes kilos were sold? An entire kilo was sold?

19 A. Yes.

10:28:53AM 20 Q. All right. And what other quantities besides entire kilos
21 were sold?

22 A. 62s, 31s.

23 Q. All right. Were those quantities sold at the same houses
24 as on Burbank or LaForce as those smaller quantities of heroin
10:29:14AM 25 and cocaine were?

1 A. No.

2 Q. All right. As a result of working for your brother in his
3 drug operation, were you familiar with the other people in
4 that operation?

10:29:27AM 5 A. Yes.

6 Q. All right. I'd like to show you Government's Exhibit 26
7 which is in evidence. I'd like you to take a look at this
8 exhibit and tell us generally do you recognize the people that
9 are shown in this?

10:29:52AM 10 A. Yes.

11 Q. Do you recognize some or all of the individuals shown in
12 this exhibit?

13 A. All of them.

14 Q. All right. I'd ask you to start at the top and tell us
10:30:10AM 15 each individual that you know in this exhibit; any nickname
16 that they went by; and what, if any, role they had in the
17 defendant's drug operation. Starting at the top.

18 A. That's Carlos Javier Figueroa. That's my brother Javi
19 a/k/a Big Bro, *matatan*, Pa, and he's the leader of the group,
10:30:40AM 20 he's in charge of the whole organization and we sell drugs for
21 him.

22 Q. Okay. His nickname -- you said some were Big Bro and
23 *matatan*, M-A-T-A-T-A-N?

24 A. Yes.

10:30:56AM 25 Q. And what were the other ones?

1 A. *Viejo, matatan*, Pa.

2 Q. *Viejo* is spelled how?

3 A. V-I-E-J-O.

4 Q. And that's a Spanish word; is that right?

10:31:12AM 5 A. Yes.

6 Q. What does that mean?

7 A. Old man.

8 Q. All right. Let's go to the next row.

9 A. That's Leitscha Poncedeleon.

10:31:25AM 10 Q. Which photo is hers?

11 A. The second one from the bottom.

12 Q. If you could touch your screen? You've touched the second
13 row, the photo on the left; is that right?

14 A. Yes.

10:31:38AM 15 Q. And what were some of the names that she went by?

16 A. She went by *flaca*, Lei, Lala, LeLe.

17 Q. All right. Was she involved in the defendant's drug
18 operation?

19 A. Yes.

10:31:56AM 20 Q. Can you tell the jury what were some of the things she did
21 and what was her role?

22 A. She was in charge keeping track of the money, all the
23 money that come in or the money that leave out; she was in
24 charge of the packages coming from Puerto Rico; she's in
10:32:13AM 25 charge of the people in Puerto Rico, see when it was coming --

1 when it was coming, talk to them about the addresses going to;
2 she was in charge of picking up the -- paying the people that
3 was receiving the packages; and package drugs with us.

4 Q. And do you recognize the person next to Leitscha in
10:32:40AM 5 Government's Exhibit 26?

6 A. She's -- she was also in charge of renting the houses.

7 Q. When you say she was in charge of renting houses, you're
8 talking about Leitscha?

9 A. Yeah, Leitscha, yeah, she was in charge of renting houses
10:32:57AM 10 too.

11 Q. What do you mean in charge of renting houses?

12 A. Renting houses. Some of the houses, the electric it was
13 put in her name. She got a clean record, so she was in charge
14 of that.

10:33:07AM 15 Q. What type of houses? Houses for what?

16 A. Like stash houses because she was -- where we was
17 packaging drugs.

18 Q. All right. And who's next to Leitscha?

19 A. That's me.

10:33:21AM 20 Q. All right. And the second row photo on the right, that's
21 you, correct?

22 A. Yes.

23 Q. And what did they call you?

24 A. Rob, they call me Maui, Hulk.

10:33:38AM 25 Q. Hulk? H-U-L-K?

1 A. Yes. And Princess.

2 Q. Princess?

3 A. Yes, Princessa.

4 Q. Who called you Princess?

10:33:46AM 5 A. Lei.

6 Q. You said some people called you Maui?

7 A. Yeah, that was --

8 Q. Why did they call you Maui?

9 A. I don't know. She said I looked like Maui from the
10:33:58AM 10 character -- some cartoon.

11 Q. Maui is from a cartoon? Do you know what movie?

12 A. No.

13 Q. All right. What was your involvement? What did you do as
14 a member of this operation?

10:34:14AM 15 A. I was packaging drugs; I was taking drugs to the block;
16 taking money back; picking up packages; and helping sell
17 drugs; and I was serving as muscle for my brother and like Lei
18 bodyguard. I was --

19 Q. Serving as muscle?

10:34:37AM 20 A. Yes.

21 Q. As Lei's bodyguard?

22 A. Yes.

23 Q. When you say you used to bring packages to the block, what
24 was that job called?

10:34:49AM 25 A. Runner.

1 Q. Runner?

2 A. Yes.

3 Q. All right. Let's go to the third row from the top starting
4 with the individual on the left. Tell us who that is, if you
10:35:08AM 5 know, and what if any nicknames and their role in the
6 operation?

7 A. That's Obed Torres a/k/a *nene*, Menor. My brother used to
8 call him and Axel Pinky and the Brain.

9 Q. Your brother used to call Obed and Axel Pinky and the
10:35:33AM 10 Brain?

11 A. Yes.

12 Q. Do you know why?

13 A. No.

14 Q. All right. Was he involved in this operation?

10:35:42AM 15 A. Yes.

16 Q. Can you describe Obed's involvement in the defendant's
17 operation?

18 A. Yeah, he's packaging some drugs; he used to sell drugs out
19 of the houses; and he was involved in a homicide.

10:35:59AM 20 Q. He was involved in a homicide?

21 A. Yes.

22 Q. Can you describe based on your observations and
23 participation in this operation Obed's relationship to Javi?

24 A. My brother loved him like a son.

10:36:13AM 25 Q. Your brother loved Obed like a son?

1 A. Yes.

2 Q. What about Obed's relationship with Javi?

3 A. He loved my brother like a father.

4 Q. All right. Let's go to the photograph, the second

10:36:29AM 5 photograph from the left on the third row. Do you recognize
6 that individual?

7 A. Yes.

8 Q. Who is that?

9 A. That's Axel. He was -- he used to sell drugs for my

10:36:42AM 10 brother; he was selling with Obed on LaForce and he shot Obed
11 in 2016; he got arrested in 2016; and he's the one that broke
12 into my -- one of the stash houses of my brother.

13 Q. He broke into one of your brother's stash house where?

14 A. Culver.

10:37:03AM 15 Q. You said he sold drugs with Obed?

16 A. Yes.

17 Q. Did he do any packaging of the drugs like you and Obed?

18 A. Not really.

19 Q. Pardon?

10:37:16AM 20 A. No.

21 Q. He did not do any packaging?

22 A. No.

23 Q. Okay. Let's look at the person next to Axel, the third

24 photograph from the left. Do you recognize that individual?

10:37:31AM 25 A. Yes.

1 Q. And who is that?

2 A. That's Vic.

3 Q. And did he have any nicknames?

4 A. Tuco.

10:37:40AM 5 Q. Tuco?

6 A. Yeah, Tuco.

7 Q. Do you know how to spell that?

8 A. Tuco?

9 Q. Yeah.

10:37:47AM 10 A. T-U-C-O.

11 Q. T-U-C-O?

12 A. Yeah, Tuco.

13 Q. All right. And you just made a reference to your hand

14 when you said Tuco. Can you explain to the jury why?

10:37:57AM 15 A. He got a few --

16 Q. I'm sorry, you've got to wait until I finish my question.

17 A. Yes.

18 Q. Can you explain to the jury why people call Victor Tuco?

19 A. He got a few missing fingers.

10:38:10AM 20 Q. Victor does?

21 A. Yes.

22 Q. All right. Was he involved in the operation?

23 A. Yes.

24 Q. Can you describe some of the things that he did as part of

10:38:21AM 25 this operation?

1 A. He sat at the table a few times; he used to sell drugs on
2 Burbank, one of the houses on Burbank; and he was in charge of
3 one of the houses on Burbank; he was a muscle on the block;
4 and he also committed murder for my brother.

10:38:39AM 5 Q. Now --

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled.

8 **BY MR. MARANGOLA:**

9 Q. -- you said he worked the table?

10:38:57AM 10 A. Once in a while.

11 Q. All right. And when you say work the table, just describe
12 generally what you're referring to.

13 A. Working the table is like I said earlier, packaging up the
14 drugs, the coke or the heroin on the table.

10:39:11AM 15 Q. Okay.

16 A. Put it into small bags.

17 Q. All right. And let's now go to the photograph next to
18 Vic, which would be the third photograph from the right. Do
19 you recognize that individual?

10:39:25AM 20 A. Yes.

21 Q. Who is that?

22 A. That's Pistolita.

23 Q. Pistolita?

24 A. Yes.

10:39:31AM 25 Q. Was he involved in this operation?

1 A. Yes.

2 Q. Can you describe his involvement in this operation?

3 A. He was a runner on Burbank; he packaged drugs with us; and
4 he was muscle; he also committed murder for my brother.

10:39:48AM 5 **MR. VACCA:** Objection, Your Honor.

6 **THE COURT:** Overruled.

7 **BY MR. MARANGOLA:**

8 Q. Was there something else?

9 A. And that's Vic right-hand man.

10:39:58AM 10 Q. He and Vic both came from Buffalo?

11 A. Yes.

12 Q. The second photograph from the right in that third row, do
13 you recognize that individual?

14 A. Yes.

10:40:09AM 15 Q. Who is that?

16 A. That's Yankee.

17 Q. All right. Now, you identified the person next to him as
18 Pistolita. Did you know before your arrest Pistolita's real
19 name?

10:40:23AM 20 A. No.

21 Q. All right. And the person in the second photo from the
22 right in the third row you identified him as Yankee?

23 A. Yes, that's Yankee.

24 Q. Before your arrest did you know his real name?

10:40:34AM 25 A. No.

1 Q. All right. What, if any, involvement in the defendant's
2 drug operation did Yankee have?

3 A. He was my brother's muscle at one time; he used to package
4 drugs; he used to be -- he used to take the packages to the
10:40:51AM 5 block; and he also took money to Puerto Rico; and he also
6 teach Freddie how to package the kilos inside the candy boxes.

7 Q. You said Yankee taught Freddie how to do that?

8 A. Yes.

9 Q. Mr. Figueroa, if you can clear your marks? I want to show
10:41:27AM 10 you another photo, which is not in evidence. Do you recognize
11 the individual shown in Government's 46?

12 A. Yes.

13 Q. Who do you recognize that individual to be?

14 A. That's Freddie.

10:41:43AM 15 Q. Freddie. What's Freddie's last name?

16 A. Silva.

17 Q. How do you know Freddie Silva?

18 A. I met him in Puerto Rico.

19 Q. And was he involved in the defendant's operation?

10:41:55AM 20 A. Yes.

21 Q. Does Government's Exhibit 46 fairly and accurately show
22 the person you knew as Freddie Silva who you met in
23 Puerto Rico and was involved in your brother's drug operation?

24 A. Yes.

10:42:08AM 25 **MR. MARANGOLA:** At this time I'd offer Government's

1 46.

2 **MR. VACCA:** Objection, Your Honor, foundation,
3 relevancy.

4 **THE COURT:** Overruled. Exhibit 46 will be received.

10:42:17AM 5 (**WHEREUPON**, Government's Exhibit 46 was received
6 into evidence).

7 **BY MR. MARANGOLA:**

8 Q. Mr. Figueroa, can you describe what Freddie Silva's role
9 in this operation was?

10:42:32AM 10 A. Yes, he was getting the kilos from Pablo; he packaged them
11 up with the carbon paper that Yankee showed him how to do it;
12 and he inform my brother when he mailed them or inform Lei
13 when it was mailed over here; and he get paid for that.

14 Q. So Freddie lived in Puerto Rico?

10:42:50AM 15 A. Yes.

16 Q. Okay. All right. And, by the way, you said you met him in
17 Puerto Rico yourself?

18 A. Yes.

19 Q. Okay. Let's go back to Government's Exhibit 26. And I
10:43:12AM 20 think you were last on Yankee. Can you touch the person you
21 knew as Yankee?

22 A. Yes.

23 Q. You touched the second photo from the right in the third
24 row.

10:43:28AM 25 Let's go to the next person to the right of Yankee.

1 Do you recognize that person?

2 A. Yes.

3 Q. Who is that?

4 A. That's Tapon.

10:43:39AM 5 Q. Tapon?

6 A. Yes.

7 Q. Did he have any other nicknames?

8 A. Enano.

9 Q. Enano?

10:43:47AM 10 A. Yes.

11 Q. Can you spell that for us?

12 A. E-N-A-N-O.

13 Q. All right. And was Tapon involved in the defendant's
14 operation?

10:44:02AM 15 A. Yes.

16 Q. Can you describe some of his involvement in the
17 defendant's drug operation?

18 A. Yes. He used to work the table; he used to sell drugs out
19 of the houses; he used to be in charge of LaForce, Conkey; and
10:44:18AM 20 he used to be a muscle for Burbank; and he committed murder
21 for my brother.

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled.

24 **BY MR. MARANGOLA:**

10:44:26AM 25 Q. When you say he ran LaForce and Conkey, can you explain

1 what you mean by that?

2 A. He was in charge of the houses where the drugs were
3 selling from the street.

4 Q. And LaForce is a street?

10:44:42AM 5 A. Yes.

6 Q. And Conkey is a street?

7 A. Yes.

8 Q. Okay. Let's go to the next row, the fourth row from the
9 top. Let me first ask you: Do you recognize those three

10:45:01AM 10 individuals in that row? All three of them?

11 A. Yes.

12 Q. All right. Let's start with the individual on the left
13 that you've already made a mark on with the blue sweatshirt.

14 Who is that?

10:45:12AM 15 A. That's Rafi.

16 Q. Rafi?

17 A. Yes.

18 Q. Do you know his real name?

19 A. No.

10:45:17AM 20 Q. Was he involved in your brother's operation?

21 A. Yes.

22 Q. And tell us about Rafi.

23 A. Rafi, my brother love him like a father. He used to say
24 that all the time. He used to sell out of one of the houses

10:45:32AM 25 on Burbank; he sold out of the house on 75 Mead Street.

1 Q. M-E-A-D?

2 A. Yeah, that's one of the houses my brother owned, he used
3 to sell out of the house; and he was in charge -- he was in
4 charge of the people selling out of the houses.

10:45:55AM 5 Q. He was in charge of what?

6 A. He was in charge of the houses, the people selling from
7 the houses.

8 Q. What houses besides the one on Mead Street you're talking
9 about?

10:46:04AM 10 A. Burbank.

11 Q. Rafi was in charge of one of the houses or other houses on
12 Burbank?

13 A. Yes.

14 Q. Was Rafi a drug user?

10:46:15AM 15 A. Yeah, he was a -- he was a drug user. He was a tester for
16 my brother.

17 Q. When you say tester, can you describe what kind of drug --
18 I'm sorry, what did Rafi use?

19 A. Rafi used heroin.

10:46:30AM 20 Q. When you say he was a tester for your brother, can you
21 tell us what you mean by that?

22 A. What I mean is my brother -- my brother used to be
23 packaging the heroin at 699 East Main in the apartment when --
24 because he got stamps and the baggies, they got stamps on
10:46:52AM 25 them, so that mean that's your name.

1 So before he put the drugs out there, he get like a
2 little spoon after he mix the dope, after he do the cut,
3 whatever he do with it, he get a spoon, he give it to him, he
4 gonna shoot it up and he gonna tell him if it's good or not,
10:47:06AM 5 if it's strong enough to put it out there.

6 Q. I'm sorry to interrupt. You said he gonna give it to him
7 in a spoon and he gonna tell him if it's good enough. Can you
8 say who the he and the him are that you're talking about?

9 A. My brother Javi give it to Rafi and Rafi would put it in
10:47:23AM 10 the spoon, do -- burn it, put it in the needle, shoot it up,
11 and after he do it he gonna tell him how he feel, if it's
12 strong or not, if the dope is strong enough to put out there.
13 If he -- when it okay, then you start bagging up and put it on
14 the block.

10:47:39AM 15 Q. So Rafi would test what drug for your brother Javi?

16 A. Heroin.

17 Q. Do you recall anything about Rafi's physical condition?

18 A. Yes, he got the crocodile disease.

19 Q. Crocodile eating disease on his legs?

10:47:59AM 20 A. Crocodile disease, the flesh eating stuff on -- his leg
21 was raw, both of his legs.

22 Q. Flesh eating disease?

23 A. Yeah, call it crocodile, something like that.

24 Q. Can you describe it? Did you see it?

10:48:12AM 25 A. Yes.

1 Q. What did it look like?

2 A. It looked raw, you can see the tendon, it's like raw, got
3 holes in his legs.

4 Q. All right. Is Rafi still alive?

10:48:24AM 5 A. No.

6 Q. All right. Let's go to the person to the right of Rafi
7 wearing a red T-shirt. You recognize that person?

8 A. Yes.

9 Q. Who do you recognize that person to be?

10:48:39AM 10 A. That's *flaco*.

11 Q. *Flaco*?

12 A. Yeah, a/k/a *palito*.

13 Q. *Flaco* or *palito*?

14 A. Yeah.

10:48:49AM 15 Q. Was he involved in your brother's drug operation?

16 A. Yes, he was one of my brother's testers too.

17 Q. Testers for what?

18 A. For heroin.

19 Q. The same way that you just described Rafi?

10:49:02AM 20 A. Yes.

21 Q. All right. What else, if anything, was *palito* or *flaco's*
22 involvement?

23 A. He used to be in Burbank selling out of houses and being a
24 lookout and, unfortunately, he got killed.

10:49:18AM 25 Q. He's dead as well?

1 A. Yes, he got killed by Pistolita.

2 Q. All right. Do you see the person in the white T-shirt next
3 to *palito*?

4 A. Yes.

10:49:35AM 5 Q. And you just touched that photograph. Do you recognize
6 that person?

7 A. Yes.

8 Q. Who is that?

9 A. That's Dino.

10:49:42AM 10 Q. And was he involved in Javi's drug operation?

11 A. Yes, he was another tester.

12 Q. Tester of heroin?

13 A. Yes.

14 Q. By the way, were there testers of cocaine or was it just
10:49:54AM 15 heroin?

16 A. Just heroin.

17 Q. All right. What, if anything else, was Dino's involvement
18 in working for Javi besides being a tester?

19 A. He used to sell out of one of the houses on Burbank and a
10:50:10AM 20 house on Conkey.

21 Q. All right. Now, Mr. Figueroa, were the same people
22 involved in the operation the entire time you were working for
23 Javi?

24 A. No.

10:50:26AM 25 Q. Can you explain how people came either became involved and

1 stopped being involved or came and went as members of the
2 operation?

3 A. Some people was involved, some people left, some people
4 went to jail, some people got killed, some people left and
10:50:46AM 5 came back.

6 Q. All right. Mr. Figueroa, all of the people that you've
7 just testified about here so far in the first four rows, have
8 you seen all of those individuals in person before?

9 A. Yes.

10:51:05AM 10 Q. And have you spoken to them or seen them speak to others
11 in your presence before?

12 A. Yes.

13 Q. Are you familiar with all their voices?

14 A. Yes.

10:51:20AM 15 Q. All right. Now, you testified earlier that there were
16 larger quantities of cocaine that were sold by Javi; is that
17 right?

18 A. Yes.

19 Q. And these were not sold out of houses on Burbank or
10:51:34AM 20 LaForce or Conkey?

21 A. No, that's for small quantity.

22 Q. Are you familiar with any of the customers who purchased
23 those larger quantities of cocaine from Javi?

24 A. Some.

10:51:49AM 25 Q. All right. Can you tell the jury the names of any of those

1 individuals that purchased the larger quantities of cocaine
2 from Javi?

3 A. Are you referring -- are you referring to the organization
4 as a whole or personally?

10:52:03AM 5 Q. Either. Who obtained larger quantities of cocaine from
6 the organization.

7 A. Noel and Yelder.

8 Q. Noel and Yelder?

9 A. Yes.

10:52:26AM 10 Q. All right. I'd like to show you Government's Exhibit 35.
11 And is it -- if you can clear your marks?

12 A. Can I say something?

13 Q. I'm sorry?

14 A. Noel, Yelder, Marquis.

10:52:43AM 15 Q. Noel, Yelder and Marquis?

16 A. Yes.

17 Q. Who is Marquis?

18 A. He's a black guy.

19 Q. That's another customer?

10:52:52AM 20 A. Yes, another customer.

21 Q. Okay. Let's clear your marks on your screen. And then I'm
22 going to ask you to take a look at Government's Exhibit 35.
23 Do you recognize that person?

24 A. Yes.

10:53:05AM 25 Q. Who is that?

1 A. That's Yelder.

2 Q. Do you know his first name?

3 A. No.

4 Q. Did he have any nicknames or were there any names that you
10:53:18AM 5 used to refer to him or other members of the operation used to
6 refer to Yelder?

7 A. Yeah, I call him crazy and *prieto*.

8 Q. *Prieto*?

9 A. Yes.

10:53:30AM 10 Q. How do you spell that?

11 A. P-R-I-E-T-O.

12 Q. That's a Spanish word?

13 A. Yes.

14 Q. What does that mean?

10:53:38AM 15 A. Black.

16 Q. All right. And Mr. Yelder is African-American; is that
17 right?

18 A. Yes.

19 Q. You said he was a cocaine customer of the operation; is
10:53:53AM 20 that right?

21 A. Yeah.

22 Q. How do you know Yelder was a customer of the operation?

23 A. Because I was selling him -- I would serve him coke.

24 Q. You were serving quantities of cocaine to Yelder?

10:54:02AM 25 A. Yes.

1 Q. Can you describe the quantities of cocaine that you served
2 Yelder during the time that you worked as part of this
3 operation?

4 A. I served Yelder between one quarter -- between a quarter
10:54:20AM 5 and half a key.

6 Q. A quarter and half a key?

7 A. Yes.

8 Q. How many 62s is a quarter kilo?

9 A. How many 62s is a quarter? Is eight.

10:54:32AM 10 Q. It's eight? How many is in a half?

11 A. A half is eight. Four.

12 Q. All right. You told me a couple things here. How many 62s
13 is a half kilo?

14 A. Half kilo, eight.

10:54:48AM 15 Q. And how many 62s is a quarter kilo?

16 A. Four.

17 Q. So you were serving Yelder between four and eight 62s?

18 A. Yes.

19 Q. Okay. I'd like to show you Government's 56. Can you tell
10:55:17AM 20 us if you recognize that individual?

21 A. Yes.

22 Q. And who is that?

23 A. That's Noel.

24 Q. Do you know Noel's last name?

10:55:25AM 25 A. No.

1 Q. Who is Noel?

2 A. Noel is one of my brother's friend, my brother Javi's
3 friend.

4 Q. One of your brother Javi's friends?

10:55:39AM 5 A. Yes.

6 Q. Did they have any other relationship other than being
7 friends?

8 A. He bought some kilos from my brother.

9 Q. Who bought kilos from your brother?

10:55:47AM 10 A. Noel.

11 Q. Noel bought kilos of what?

12 A. Of cocaine.

13 Q. All right. And how do you know Noel bought kilos of
14 cocaine from your brother?

10:55:54AM 15 A. Because I went and served with my brother one time.

16 Q. You served with your brother one time?

17 A. Yes.

18 Q. All right. And did you -- was that a face-to-face meeting
19 you had with Noel at the time you and your brother served him?

10:56:13AM 20 A. Yes.

21 Q. Have you on that or other occasions seen Noel Figueroa
22 speak in person?

23 A. Yes.

24 Q. All right. And based on that are you familiar with his
10:56:24AM 25 voice as well?

1 A. Yes.

2 Q. I'd like to show you now what is not in evidence as
3 Government's 55. Can you tell us if you recognize the
4 individual in Government's 55?

10:56:46AM 5 A. Yes.

6 Q. Who do you recognize the person in Government's 55 to be?

7 A. That's Marquis.

8 Q. Marquis?

9 A. Yes.

10:56:54AM 10 Q. Who is Marquis?

11 A. Marquis is a customer of my brother's group, and I served
12 him with Lei.

13 Q. You served -- what did you serve Marquis with?

14 A. I serve -- I serve him a kilo, and I took a couple
10:57:14AM 15 packages to him.

16 Q. When you say took a couple packages to him, what do you
17 mean?

18 A. Me and Lei give him a couple packages of coke.

19 Q. When you say a couple packages, what's a package?

10:57:26AM 20 A. A package is a bag that got 50 little baggies of coke,
21 plastic baggies. We give him a few, serve him a few of them.

22 Q. Did the person on Government's 55, did he sell at one of
23 the houses?

24 A. No.

10:57:45AM 25 Q. All right. You served him how much cocaine? What

1 quantity?

2 A. The one that I remember, a kilo.

3 Q. All right. Does the person -- does the photograph
4 Government's 55 fairly and accurately reflect the person you
10:58:02AM 5 knew as Marquis who you served a kilo to?

6 A. Yes.

7 **MR. MARANGOLA:** At this time I'd offer Government's
8 55.

9 **MR. VACCA:** Objection, Your Honor, relevancy.

10:58:11AM 10 **THE COURT:** Overruled. Exhibit 55 will be received.

11 (WHEREUPON, Government's Exhibit 55 was received
12 into evidence).

13 **BY MR. MARANGOLA:**

14 Q. All right. Mr. Figueroa, how did you first become
10:58:28AM 15 involved in your brother Javi's drug operation?

16 A. I became involved a few months after I came home in 2013
17 and I was in my mother's, my brother took me to the second
18 floor of 699 East Main.

19 Q. Your brother took you to?

10:58:51AM 20 A. Second floor of the building, apartment there, and he show
21 me about the drugs, what he was doing with the drugs.

22 Q. Tell the jury what you remember about that first occasion.

23 A. First occasion he was -- he got a Bullet -- it's like a
24 blender, Bullet. He got a Bullet, and he was mixing up the
10:59:20AM 25 dope, he put it on top of the table, the square glass.

1 And it was Lei, me, it was Yankee, it was my
2 brother's brother-in-law, and he told me if I want to work for
3 him, the only thing I was gonna do is put tape on the little
4 baggies after they finished bagging it up and fold it, I put
10:59:40AM 5 the tape on it and count them and put them in the little bags,
6 ten little bags.

7 Q. Did your brother ask you if you wanted to work with him?

8 A. Yes.

9 Q. And what did you say?

10:59:51AM 10 A. I said yes.

11 Q. So you agreed to work in the drug business with Javi?

12 A. Yes.

13 Q. Had you ever packaged drugs before that?

14 A. No.

11:00:05AM 15 Q. So tell us what your brother showed you how to do.

16 A. He show me how to package the heroin, then down the line
17 around 2015 I start doing more. That's when I start being a
18 runner with Lei, I start taking drugs to the blocks, to the
19 houses.

11:00:27AM 20 Then after a period more time in 2017, around
21 then, end of 2016 or '17 I start picking up packages and
22 serving, checking out drugs and packaging up drugs for my
23 brother.

24 Q. All right. So when you first went on this first occasion
11:00:46AM 25 at 699 East Main when your brother asked if you wanted to work

1 with him, tell us what was going on at the table that you saw.

2 A. I saw my brother cutting the dope, put it on top of the
3 glass, then he sat down with Lei, they was working the spoon.

4 Q. When you say working the spoon, describe for the jury what
11:01:11AM 5 you saw Javi and Lei doing.

6 A. They got a little McDonald spoon, real small, he fills the
7 spoon to make sure it's the right size, open up the small
8 baggies, we put them in a mound, this is a mound for the
9 spoon, they got like a ID or a plastic card so it can be

11:01:34AM 10 enough dope in there, and they put it inside the bag, fold it,
11 pass it to us, we put the tape and we started bagging it up.

12 Q. And what kind of drug are you just describing the
13 packaging for where you would put it in the bag, fold the bag,
14 and tape it?

11:01:52AM 15 A. The heroin.

16 Q. All right. And that was what you first learned to help
17 bag was heroin?

18 A. Yes.

19 Q. You said earlier Javi had a Bullet. You don't mean like a
11:02:06AM 20 bullet that goes in a gun, right?

21 A. No, it's the --

22 Q. Can you describe what you saw?

23 A. It's a small blender , they call it a Bullet, it's a small
24 blender. You twist it.

11:02:16AM 25 Q. What was Javi doing with the blender?

1 A. He was putting some pills in it and some horse anesthetic
2 and you cut the dope with it, you stretch it.

3 Q. When you say cut the dope and stretch it, tell us what you
4 mean.

11:02:32AM 5 A. That mean you add some more stuff, it's not gonna be pure
6 because you don't want to put pure dope in the street. You
7 got to download it a little bit so...

8 Q. Can you describe the bags for the heroin?

9 A. Yes, some of the bags got different colors and he used to
11:02:55AM 10 have a stamp, like a square thing, they got a stamp on it, and
11 you stamp it and that's what you put on your block, meaning
12 that's your block, that's your stamp, that's your dope, you
13 put it -- that's your word behind it. So you stamp it first,
14 and that's why he used a tester.

11:03:13AM 15 Q. What kind of -- when you say stamp, what kind of stamp was
16 it?

17 A. Different names, different -- different signs. Some of
18 them we used to get them from the smoke shop already stamped.

19 Q. When you say already stamped, what do you mean?

11:03:28AM 20 A. That you go to the smoke shop and you ask them what type
21 of baggies they got and they show you. Some of them come with
22 cartoon character with names on it.

23 And my brother used to have a person or Lei go down
24 there, you buy the whole box, you already got them stamped so
11:03:46AM 25 you don't have to do it by hand.

1 Q. When you were doing the stamp in the beginning, is this an
2 ink stamp?

3 A. Yeah, ink stamp.

4 Q. So would the stamp get put on the bag before the heroin or
11:03:57AM 5 after the heroin was put in it?

6 A. You got to stamp the bag before you put the heroin in it.

7 Q. Why do you have to stamp the bag before?

8 A. Because the ink is gonna smear it out.

9 Q. All right. Once the heroin was put in the bag that was
11:04:12AM 10 already stamped, what was done with the bag that had the
11 heroin in it?

12 A. We fold it and put the paper on it, count them, and put
13 them in another plastic bag -- little square plastic bag, we
14 seal it, that's a bundle. Ten little baggies make a bundle.

11:04:30AM 15 Q. You would tape each individual bag and put ten of those
16 into a plastic bag?

17 A. Yes, a little small plastic bag, yeah.

18 Q. Ten of those would be a bundle?

19 A. Yes.

11:04:40AM 20 Q. Did the stamps that you use change over time or were they
21 always the same?

22 A. They change.

23 Q. The designs on the bags, did they change or were they the
24 same?

11:04:54AM 25 A. They change.

1 Q. When you say you would get a box of bags, how many
2 would -- how many bags of a certain design would you get at a
3 time? How many bags would be in a box?

4 A. How many little baggies be in a box? 300 in a little box.

11:05:14AM 5 Q. When you say the box, what size box you talking about?

6 A. Like this.

7 Q. All right. For the record you're showing us about 6
8 inches, a 6 inch rectangle by a few inches; is that right?

9 A. Yes.

11:05:31AM 10 Q. Why would the design on the bags change or the stamp
11 change?

12 A. Because when you have a block and you sell the block and
13 people OD or somebody dies or the police run down one of the
14 houses and they see the stamp, they gonna follow that stamp,
11:05:56AM 15 they gonna look after that stamp.

16 So after you do it for a while and you get hot, my
17 brother be like we got to change the stamp, you got to do it
18 all over again, you got to test it, change, you know, put the
19 drug in the bag, change the bag.

11:06:12AM 20 Q. Who decided when to change the stamp or the design on the
21 bag?

22 A. My brother.

23 Q. So did you begin working the table for your brother?

24 A. Yeah, doing the -- I don't know how to do the spoon, but
11:06:27AM 25 doing the tape.

1 Q. So when you say you don't know how to do the spoon, did
2 you ever try to use a spoon?

3 A. Yes.

4 Q. Can you describe what happened when you tried to use the
11:06:39AM 5 spoon?

6 A. I tried to use the spoon. My hand sweats a lot and it was
7 a whole mess. He got mad at me.

8 Q. What happened?

9 A. It was getting stuck and it's annoying. I don't know how
11:06:54AM 10 to do it.

11 Q. So when you worked the table, you wouldn't use the spoon?

12 A. No.

13 Q. What job would you have?

14 A. My job when I first started doing it or afterwards?

11:07:06AM 15 Q. I guess when you first started.

16 A. When I first started my job was putting tape on the bags.

17 Q. All right. Once you started doing that, how often were
18 you working the table packaging drugs?

19 A. Two or three times a week.

11:07:27AM 20 Q. Two or three times a week?

21 A. Two or three times a week, yeah.

22 Q. Did that change over the five or so years that you worked
23 for your brother Javi?

24 A. Yes.

11:07:36AM 25 Q. It was two or three times a week in the beginning or in

1 the end?

2 A. In the beginning.

3 Q. All right. And how -- what was the difference at the end?

4 A. At the end was my brother let this person called Junito el
11:07:56AM 5 Gordo be in charge.

6 Q. When you say Junito El Gordo, is that J-U-N-I-T-O?

7 A. Yes.

8 Q. El, E-L; and Gordo G-O-R-D-O?

9 A. Yes.

11:08:11AM 10 Q. All right. When you say at the end, are you talking about
11 shortly before you were arrested?

12 A. Yes.

13 Q. All right. What was happening at that time?

14 A. Before I got arrested? He was doing the heroin.

11:08:27AM 15 Q. Who was doing more coke than heroin?

16 A. My brother -- my brother and us, we was bagging up more
17 coke than heroin.

18 Q. So were you bagging less frequently than you were in the
19 beginning when you were bagging coke and heroin?

11:08:41AM 20 A. Yes.

21 Q. All right. When you first started bagging did you have set
22 hours that you would work, like a regular schedule, or how
23 would it come to be that you would go to an apartment and
24 start bagging?

11:09:00AM 25 A. We receive a phone call in our *maraca*.

1 Q. Who is we?

2 A. The people in the group, me or whoever was working, we get
3 a phone call from my brother or Lei in the *maraca* and they
4 will tell us like a code word we got to go to work.

11:09:16AM 5 So that's how we know we got to go. And if he tell
6 you mommy, that's my mother, 699 building, tell you the
7 location, go there, go to work, that mean you got to go to
8 work.

9 Q. Go to work means bag up drugs?

11:09:33AM 10 A. Yes.

11 Q. You said *maraca*. What were you referring to as a *maraca*?

12 A. A flip phone, small phones.

13 Q. Why did you call it a *maraca* instead of just flip phone?

14 A. Because that's the drug phone, that's the phone you throw
11:09:54AM 15 away.

16 Q. When you say drug phone, what do you mean?

17 A. That's the -- we talk drug business, that's the phone you
18 use -- you can get, you can throw it away because you can't
19 make phone calls on your real phone because they gonna track
11:10:06AM 20 you, you got your name on the phone.

21 Q. And you refer to those flip phones, the drug phones as
22 *maracas*?

23 A. Yes.

24 Q. All right. When you went to work the table, how many
11:10:17AM 25 hours would you work at a time?

1 A. The hours -- really it was -- could be day, day and a half
2 working.

3 Q. Give us an example of like a start -- typical start time
4 and a typical end time when you would be packaging drugs at
11:10:40AM 5 the table.

6 A. It would start like around 5, be finish around next
7 morning like around maybe 10 or 11.

8 Q. So 5 in the evening until like?

9 A. Next day.

11:10:55AM 10 Q. Sometime in the morning the next day?

11 A. Yes.

12 Q. So overnight?

13 A. Yes.

14 Q. Did you get paid for working the table for your brother?

11:11:06AM 15 A. Yes.

16 Q. How much did you get paid?

17 A. \$200.

18 Q. And how did you get paid? Who paid you?

19 A. What do you mean how?

11:11:18AM 20 Q. Who gave you the money?

21 A. My brother or Lei gave me the money.

22 Q. All right. Can you tell us are any of the people that you
23 worked the table with during the years you worked for your
24 brother Javi shown on Government's 26?

11:11:42AM 25 A. Working the table?

1 Q. Anybody that you saw work the table. All right. Now, you
2 did not touch the defendant's photo -- I guess now you have.
3 Did your brother -- did your brother Javi work the table?

4 A. Yes.

11:12:11AM 5 Q. All right. And then you touched the photo for Leitscha,
6 yourself, Obed, Vic, Pistolita, Yankee and Tapon; is that
7 right?

8 A. Yes.

9 Q. All right. Was it always the same people or were there
11:12:27AM 10 different people who would bag on different occasions?

11 A. Different people on different occasions.

12 Q. You described so far the bagging of quantities of heroin.
13 Was the bagging process for cocaine the same?

14 A. No.

11:12:44AM 15 Q. Can you explain the difference?

16 A. The bag for heroin is a paper -- a wax paper and you got
17 to fold it and got the stamp. The coke is little plastic
18 baggies. And after we bag it up we burn them, we don't seal
19 them.

11:13:03AM 20 Q. When you say the bags of coke, did they have little seals
21 on them?

22 A. No. You got to -- got like a little -- you got to open
23 them.

24 Q. All right. Once the cocaine was put in there, did you seal
11:13:18AM 25 it?

1 A. Yes.

2 Q. How was it sealed?

3 A. We close it and we burn it.

4 Q. When you say close it, was there a little ziplock?

11:13:26AM 5 A. A little ziplock, it will close.

6 Q. All right. And then why would you burn it after you
7 closed the ziplock? What would that do?

8 A. In case if it's opened, it don't spill. And in case that
9 the people sell out of the houses, my brother don't trust
10 them, some of them drug users, so you burn it.

11:13:46AM

11 Q. What would the burning effect have on the bag?

12 A. You get it real close, it burns the little extra -- the
13 bag, got it burn real close to the seal, you know, if somebody
14 attempt to mess with it.

11:14:03AM

15 Q. It acted almost like a double seal?

16 A. Yes, double seal, yeah.

17 Q. You said the heroin was packaged in groups of ten as a
18 bundle?

19 A. Yes.

11:14:14AM

20 Q. How was the cocaine packaged? How many bags of cocaine
21 would you put together?

22 A. Cocaine you put 50 little baggies in the plastic bag.

23 Q. 50 bags?

24 A. Yes.

11:14:30AM

25 Q. What would 50 of those small bags of cocaine be referred

1 to as? What did you call that after you put 50 bags of
2 cocaine into a bag?

3 A. A package.

4 Q. A package?

11:14:43AM 5 A. Yes.

6 Q. And you said you put ten bags of heroin and that was a
7 bundle?

8 A. Yes.

9 Q. Were there packages of bundles of heroin?

11:14:53AM 10 A. Yes.

11 Q. How many bundles of heroin would make a package?

12 A. Five or ten.

13 Q. Five or ten?

14 A. Yeah.

11:15:02AM 15 Q. So the bundles would either be 50 bags or 100 bags of
16 heroin?

17 A. Yes.

18 Q. Can you describe the size -- let me ask you this: Do you
19 know the quantities of heroin and cocaine that you would bag
11:15:22AM 20 at one sitting?

21 A. The quantity of heroin?

22 Q. Yeah.

23 A. It was hundreds of grams. It was hundreds of grams.

24 Q. Okay.

11:15:36AM 25 A. I'm not sure how many, but it was hundreds of grams.

1 Q. Show us, if you can, about the size of the pile of heroin
2 that would be on the table on the glass that you mentioned.

3 You're showing a pile, I don't know, a few inches high?

4 A. Yes.

11:15:53AM 5 Q. And how big was the circle that you just made with your
6 hands? Tip it up so I can see it, would you? Can you tip it?
7 There you go. I don't know, about 4 to 5 inches in diameter;
8 is that right?

9 A. Yes.

11:16:07AM 10 Q. And you said that would be hundreds of grams?

11 A. Yeah, hundreds of grams.

12 Q. How many bags would that mean? Like how many bags of
13 heroin would you be -- would you finish with on a typical time
14 that you worked the table?

11:16:25AM 15 A. We used to do it by boxes. We used to do five boxes,
16 eight boxes, sometimes ten boxes.

17 Q. All right. Five to --

18 A. Up to ten boxes.

19 Q. Up to ten boxes?

11:16:37AM 20 A. Five to ten boxes, yeah.

21 Q. And there were how many bags in each of those boxes?

22 A. 300.

23 Q. So if you did ten boxes, that was 3,000 bags and that was
24 with respect to the heroin?

11:16:51AM 25 A. Yes.

1 Q. How about the quantities of cocaine that you were bagging
2 at the table? What would be the quantity of cocaine that you
3 would bag in a typical sitting?

4 A. That would be one of the -- my brother break down the kilo
11:17:10AM 5 into 62s, he broke it down, that's what he do, he put it in a
6 blender, in a Bullet, do the cut, and he put it on the table
7 into 62 or 31.

8 Q. So it was either 62 or 31 gram quantities that you would
9 bag up for the cocaine?

11:17:25AM 10 A. Yes.

11 Q. And show us the pile, if you could, of cocaine that you
12 would see on the table as well. All right, is that a smaller
13 pile that you're showing than the pile of heroin?

14 A. Yes.

11:17:44AM 15 Q. All right. Again, that was a couple inches high maybe?

16 All right. And then what was the diameter about? All right,
17 only maybe 2 to 3 inches. Okay.

18 Now, you said earlier the organization sold heroin,
19 cocaine and crack cocaine?

11:18:05AM 20 A. Yes.

21 Q. Did you participate or observe others process or bag up
22 crack cocaine?

23 A. Yes.

24 Q. Can you tell us who you observed process crack cocaine and
11:18:20AM 25 then how that was bagged?

1 A. In 292 Barrington when my brother received packages, he
2 broke them down in 62s. At the same time he cook the whole
3 kilo in 62s, 16 of -- he put 62 grams in a glass container, he
4 put the water, he put the asthma --

11:18:43AM 5 Q. You said he put the asthma? The what?

6 A. Asthma liquid.

7 Q. Asthma medicine?

8 A. Asthma -- I don't know, asthma liquid -- I don't know what
9 they call it. It's like --

11:18:55AM 10 Q. A little liquid?

11 A. Yeah.

12 Q. Okay.

13 A. For the asthma, for the asthma therapy.

14 Q. For asthma inhalers?

11:19:04AM 15 A. Yes, you put -- it's like a liquid you put in the asthma
16 therapy.

17 Q. So you would see him mix that in?

18 A. Yes, mix that -- he got like a bottle that contain -- I
19 don't know if it's ammonia, some type of chemical he put in
11:19:17AM 20 there, put it in microwave, he cook the whole 62, they come
21 out a cookie. So he put it in the table with two napkins
22 underneath his cookie, 16 cookies, and 16 cookies be
23 transferred to --

24 Q. The cookies, describe what -- they weren't powder, I
11:19:40AM 25 assume?

1 A. The cookies, no, they hard.

2 Q. Hard like a cookie?

3 A. They get hard.

4 Q. All right. How were those cookies packaged?

11:19:53AM 5 A. Cookie was put in sandwich bags, they were small sandwich
6 bags, two of them, tie them up, he put them in a bag, and Lei
7 used to take them.

8 Q. You said that the cocaine and heroin were scooped out with
9 those McDonalds spoons, then cleaned off with a credit card.

11:20:12AM 10 How did the bags of crack get filled?

11 A. The crack -- he get the cookie, he break little pieces
12 with a razor, and you get a toothpick because the bag is
13 small, little pieces you stuff them in there.

14 Q. All right. Who packaged up the crack cocaine from those
11:20:32AM 15 cookies?

16 A. That was him, my brother Javi, Lei, and my brother's
17 brother-in-law.

18 Q. All right. Did you do other work for Javi in addition to
19 working at the table?

11:20:52AM 20 A. Yes.

21 Q. Describe what other work you did for Javi.

22 A. I work at my brother -- I was at Javi's houses.

23 Q. Your brother's houses?

24 A. Yes.

11:21:00AM 25 Q. When you say worked at his houses, what houses are you

1 referring to?

2 A. I referring to St. Paul Street, Burbank, 60 Malling and
3 another house on Burbank, but I don't know the number of the
4 house.

11:21:17AM 5 Q. And so on Burbank you worked at his house?

6 A. Yes, his house and another house on Burbank.

7 Q. When you say worked on, what do you mean?

8 A. Doing floors, doing tiles, doing walls.

9 Q. All right. So you worked on his house on 6 Burbank?

11:21:33AM 10 A. Yes, doing construction on his house.

11 Q. And then you said on Malling. What house on Malling?

12 A. My mother house, 60 Malling.

13 Q. That was Javi's?

14 A. Yes.

11:21:44AM 15 Q. So you did work on the inside of that house too?

16 A. Yes.

17 Q. And then another house on Burbank?

18 A. Yes.

19 Q. And then two other places?

11:21:57AM 20 A. St. Paul and 75 Mead Street.

21 Q. Who lived there?

22 A. 75 Mead Street, who live there now his daughter, my niece.

23 Q. Javi's daughter lives there now?

24 A. Yes.

11:22:11AM 25 Q. Okay. Did the locations that you bagged cocaine and heroin

1 stay the same during the years that you worked for your
2 brother Javi?

3 A. No.

4 Q. There were different places over time?

11:22:26AM 5 A. Yes.

6 Q. Can you tell us why the locations changed? Some of the
7 reasons?

8 A. We just move sometime.

9 Q. Did you decide to move?

11:22:44AM 10 A. No, my brother just tell us move and we just move.

11 Q. Okay. The first location I think you showed us was in
12 Government's Exhibit 94. If you could clear your marks there
13 for us? That's 699 East Main; is that right?

14 A. Yes.

11:23:13AM 15 Q. What are some of the other locations that you recall
16 packaging of drugs as part of Javi's operation?

17 A. Liberty Pole.

18 Q. All right. If we could show you Government's 90 to 91.

19 Was there an apartment in the apartment building shown in

11:23:44AM 20 Government's 90 and 91 you bagged cocaine for your brother?

21 A. Yes.

22 **MR. VACCA:** Objection, Your Honor, this has been
23 shown before. It's a reduplication.

24 **THE COURT:** Overruled. You can answer the question.

11:23:56AM 25 **BY MR. MARANGOLA:**

1 Q. Are there other locations that you bagged drugs for your
2 brother that you can recall?

3 A. Yes, my mother house, 60 Malling.

4 Q. Your brother's house at what?

11:24:09AM 5 A. My mother house 60 Malling. We bagged there before.

6 Q. Your mother's house on Malling?

7 A. Yes.

8 Q. Okay. How many times did you bag there?

9 A. Like twice.

11:24:21AM 10 Q. All right. What other locations?

11 A. An apartment in front of the general, General Hospital.

12 Q. All right. The same building that you showed us before?

13 A. Yes.

14 Q. There was an apartment there that you bagged as well?

11:24:35AM 15 A. Yes.

16 Q. And that was in Government's Exhibit 136?

17 **THE COURT:** There's no 136.

18 **MR. MARANGOLA:** I'm sorry, is it not 136? Did I
19 write down the wrong number? I'm sorry, 106.

11:25:05AM 20 **MR. VACCA:** Again, Your Honor, objection. This was
21 already shown.

22 **THE COURT:** Overruled. Go ahead. You can answer
23 that.

24 **BY MR. MARANGOLA:**

11:25:13AM 25 Q. That was the location where you bagged drugs for your

1 brother?

2 A. Yes.

3 Q. All right. Any other locations?

4 A. Culver.

11:25:21AM 5 Q. Culver?

6 A. Yes.

7 Q. I'm going to show you Government's Exhibit 95 and 96. Do
8 you recognize the building shown in Government's Exhibit 95
9 and 96?

11:25:38AM 10 A. Yes.

11 Q. What do you recognize that to be?

12 A. Culver.

13 Q. How many times did you bag at -- first of all, did you bag
14 at more than one apartment in this building shown in

11:25:55AM 15 Government's 95 on Culver?

16 A. Yes.

17 Q. How many?

18 A. How many apartments? Two apartments.

19 Q. Two different apartments?

11:26:03AM 20 A. Two different apartments, yeah.

21 Q. All right. Do you recall bagging anywhere else?

22 A. 292 Barrington Street.

23 Q. All right. That was your house at the time of your arrest?

24 A. Yes.

11:26:25AM 25 Q. All right. Now, shortly before your arrest was there any

1 other location in addition to 292 Barrington that Javi was
2 using to package and bag up drugs?

3 A. East Main, the new building.

4 Q. The new building?

11:26:43AM 5 A. The new building where Obed lived at.

6 Q. The new building where who lived at?

7 A. Obed.

8 Q. And that was not 699 East Main?

9 A. No.

11:26:54AM 10 Q. All right. If we could show you Government's Exhibit 72
11 and 73? Do you recognize what's shown in Government's
12 Exhibit 72 and 73?

13 A. I recognize 73. I never went to the front of the
14 building.

11:27:13AM 15 Q. What do you recognize Government's 73 to be?

16 A. The East Main Obed used to live at. We used to bag over
17 there.

18 Q. East Main building that Obed used to live at and that you
19 used to bag up there?

11:27:26AM 20 A. Yes.

21 Q. You said you didn't -- you only went in through the back?

22 A. Yes.

23 Q. Does this show the area that you went into?

24 A. Yes.

11:27:35AM 25 Q. Circle on your screen the area. All right, for the

1 record, you've made a mark in the lower center of the building
2 shown in Government's 73; is that right?

3 A. Yes.

4 **MR. MARANGOLA:** Judge, I'm going to be moving into a
11:27:54AM 5 new area. I don't know if this would be a good time to take a
6 break?

7 **THE COURT:** Ladies and gentlemen, at this time we're
8 going to take a recess. In the meantime, do not discuss the
9 matter or allow anybody to discuss the matter with you. The
11:28:00AM 10 jury may step down.

11 (WHEREUPON, there was a pause in the proceeding).

12 (WHEREUPON, the defendant is present).

13 **THE COURT:** Ready to proceed, bring the jury out.

14 (WHEREUPON, the jury is present).

12:19:08PM 15 **THE COURT:** You may continue, Mr. Marangola.

16 **MR. MARANGOLA:** Thank you, Your Honor.

17 **BY MR. MARANGOLA:**

18 Q. Mr. Figueroa, you've been testifying regarding the
19 locations that you and others bagged heroin and cocaine for
12:21:39PM 20 sale. Can you tell the jury in those various locations what
21 were some of the items that were in those apartments when you
22 would go there to bag heroin or cocaine?

23 A. Some of those apartments it would be baggies, spoons, big
24 spoons, small spoon, it would be scales, it would be a press,
12:22:09PM 25 they would be drugs in them, and some of them guns.

1 Q. All right. I'd like you to look at on your screen there at
2 Government's 592, which is in evidence. Do you recognize
3 what's shown in Government's 592?

4 A. Yes.

12:22:30PM 5 Q. What do you recognize in this photograph?

6 A. I recognize the Home Depot bucket.

7 Q. How do you recognize the Home Depot bucket?

8 A. Because that's where we used to put the 62s and the kilos
9 in it, like storage.

12:22:43PM 10 Q. 62s meaning 62 gram quantities of cocaine?

11 A. Yes.

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** What's that?

14 **MR. VACCA:** Objection.

12:22:52PM 15 **THE COURT:** To what?

16 **MR. VACCA:** To the question.

17 **THE COURT:** Overruled. You can answer the question.

18 **BY MR. MARANGOLA:**

19 Q. When you referred to 62s, what are you referring to?

12:23:03PM 20 A. 62 grams of cocaine.

21 Q. All right. And when you refer to kilos, what are you
22 referring to?

23 A. A kilo of cocaine.

24 Q. And those would be stored in what?

12:23:16PM 25 A. In the Home Depot bucket.

1 Q. All right. And you saw that Home Depot bucket
2 shown in Government's 592 at other locations where you
3 bagged?

4 A. Yes.

12:23:29PM 5 Q. All right. If we can go to 593 and 594? Do you recognize
6 the contents of Government's 594?

7 A. Yes.

8 Q. What do you recognize that to be?

9 A. Recognize it to be the Home Depot bucket with the baggies
12:23:52PM 10 and the cocaine.

11 Q. All right. And do you know where this was at the time of
12 your arrest? What location it was?

13 A. It was a Home Depot bucket 292 Barrington.

14 Q. It was at 292 Barrington Street?

12:24:09PM 15 A. Yes.

16 Q. Okay. And I'd like to show you now Government's Exhibit
17 612. Do you recognize what's shown in Government's
18 Exhibit 612?

19 A. Yes, I've seen that before.

12:24:28PM 20 Q. What have you seen?

21 A. I seen the -- that's the -- what I referred to, the
22 Bullet.

23 Q. Touch the screen to show us -- well, I think you already
24 touched the screen. Did you touch the screen over a pink and
12:24:42PM 25 white object?

1 A. Yes. And then the Bullet.

2 Q. All right. And then an object to the left of that pink and
3 white object?

4 A. Yes.

12:24:51PM 5 Q. Let's go with the first thing you touched, the pink and
6 white object. Do you recognize what that is?

7 A. That's like a little purse. Spoon be in there, the small
8 spoon will be in there, small bag, razors, the little ID
9 things to cut it so it can be bagged up be in there.

12:25:15PM 10 Q. All right. And then what's the second mark you made to
11 the left of that?

12 A. That's the Bullet, that's the grinder to grind the cocaine
13 or the heroin.

14 Q. All right. I'm sorry --

12:25:30PM 15 A. The plastic thing right there is the -- it goes on top.

16 Q. Goes on top?

17 A. It goes on top of the Bullet.

18 Q. You made a third mark just above the white and pink object
19 and what was that? You referred to that as the top of the
12:25:48PM 20 Bullet?

21 A. Yes, put it on top.

22 Q. Who was the person that used the Bullet?

23 A. My brother Javi.

24 Q. All right. I'd like to show you now Government's Exhibit
12:26:00PM 25 605. If you could clear your mark, the marks you made? Do

1 you recognize Government's Exhibit 605, what's shown in that
2 photo?

3 A. Yes.

4 Q. What do you recognize in Government's 605?

12:26:20PM 5 A. The bag that was in the black container that was in the --
6 in the basement.

7 Q. And there are baggies in that black bin; is that right?

8 A. Yes.

9 Q. What did -- I'm sorry?

12:26:36PM 10 A. Yes.

11 Q. What did you use the -- you did make a mark on the screen?

12 A. Yes.

13 Q. All right. There's a red plus on the -- to the left of
14 center of the bin that just disappeared. Did you just remove

12:26:53PM 15 it? Can you go back up to the top right of your screen there
16 and open up the menu? All right, you see the little pencil at
17 the top left icon?

18 A. Yes.

19 Q. All right. I think now we should -- now if you make a mark
12:27:21PM 20 it will do what it did before. Where are the bags in this

21 photograph? Okay, you made a mark on the dark gray bag to the
22 left of the center in that photograph; is that right?

23 A. Yes.

24 Q. What did you use those bags for?

12:27:41PM 25 A. Little bag -- that's the little bags for cocaine.

1 Q. All right. I'd like to show you Government's 569. If you
2 can clear your marks? Tell us what room is shown in this
3 photograph? Mr. Figueroa, what room is shown in this
4 photograph 569?

12:28:18PM 5 A. Kitchen of 292 Barrington.

6 Q. All right. Did you bag any drugs in the area shown in
7 Government's 569?

8 A. Yes.

9 Q. Where did you bag the drugs?

12:28:30PM 10 A. Right on that table.

11 Q. And is there anything on that table that you used in
12 connection with the bagging of the drugs?

13 A. Yes, the square glass piece.

14 Q. All right. The square glass piece in the center of that
15 table?

12:28:44PM

16 A. Yes.

17 Q. How did you use that?

18 A. That's where we put -- my brother do the grinding with the
19 Bullet, that's where he put the coke on top of it.

12:28:53PM 20 Q. That's where the cocaine goes on top of that glass?

21 A. Yeah, on top of the glass.

22 Q. Just remember to let me finish my question before you give
23 your answer, okay?

24 A. Okay.

12:29:01PM 25 Q. I'd like to show you now Government's 603, please. Do you

1 recognize what's shown in Government's 603?

2 A. Yes.

3 Q. First of all, tell us what area is shown in Government's
4 603? What is this a picture of?

12:29:23PM 5 A. This is the table that's in the kitchen.

6 Q. Is that the table that we just saw in the previous
7 picture?

8 A. Yes.

9 Q. Is this a drawer in that table?

12:29:33PM 10 A. Yes.

11 Q. What did you use to keep in that drawer?

12 A. We keep -- we keep the spoon, we keep the toothbrush, we
13 keep the razor, the lighter.

14 Q. All right. Are there objects in that photograph 603 that
12:29:52PM 15 you and Javi and Lei used in connection with your packaging of
16 cocaine?

17 A. Yes.

18 Q. Can you circle each item and as you circle it tell us what
19 it is?

12:30:03PM 20 A. That's the spoons.

21 Q. All right. And you touched near the plastic white spoons
22 there; is that right? On the top center of the photograph?

23 A. Yes.

24 Q. All right. What else do you see that you used in
12:30:23PM 25 connection with the bagging with Javi and Lei?

1 A. This is the box, though. This is the scale.

2 Q. There's a scale there on the -- sort of the left side of
3 the -- just left of the center of the drawer; is that right?
4 The blue square object?

12:30:45PM 5 A. Yeah.

6 Q. What else?

7 A. The razor.

8 Q. And you marked the silver razor on the bottom right corner
9 of that drawer?

12:30:52PM 10 A. Yeah.

11 Q. How was the razor used?

12 A. That was to cut the -- separate the coke.

13 Q. To separate cocaine?

14 A. Yeah. And the crack, to cut the crack with.

12:31:03PM 15 Q. Cut the crack and separate the cocaine?

16 A. Yes.

17 Q. What else in that photograph do you see?

18 A. Toothbrushes.

19 Q. What were the toothbrushes that are shown in that
12:31:15PM 20 photograph used for?

21 A. For the small strainer my brother -- when he finished
22 doing that with the Bullet, cutting up, mixing up the coke, he
23 put it in a small strainer and he put it on top of the glass
24 and afterwards he cleaned the Bullet with the toothbrush and
12:31:31PM 25 brush it out and cleaned the strainer.

1 Q. Okay. Anything else in that photograph you see that you
2 used in connection with the packaging of drugs?

3 A. The cards.

4 Q. You marked a credit card looking object in the center of
12:31:48PM 5 that photo that's white with a blue M?

6 A. Yes.

7 Q. Anything else?

8 A. The rubber bands.

9 Q. How were the rubber bands used?

12:32:02PM 10 A. The rubber bands to hold -- to hold baggies.

11 Q. Okay. Anything else?

12 A. That's about it.

13 Q. Pardon?

14 A. That's -- no.

12:32:20PM 15 Q. Do you see the blue lighter next to the razor blade?

16 A. Yes. I missed that.

17 Q. What, if anything, was that used for in connection with
18 the packaging of drugs?

19 A. That's to light the candles -- use to have small candles,
12:32:37PM 20 light the candles so we can burn it so we don't got to keep
21 using the lighter. So we use the candle and burn the bags.

22 Q. If you can clear your marks? And I'd like to show you
23 Government's 583. Do you recognize what's shown in
24 Government's 583?

12:33:00PM 25 A. Yes.

1 Q. First of all, just generally what area does this show?

2 A. This is in the kitchen.

3 Q. At?

4 A. Barrington.

12:33:14PM 5 Q. All right. Do you recognize what's shown in this
6 photograph?

7 A. Yes.

8 Q. Tell us what are we looking at here?

9 A. We looking at the sandwich bags where we put the 62s in.

12:33:29PM 10 We looking at the -- the machine, the vacuum seal machine.

11 Q. That's on the bottom of that photograph in a box?

12 A. Yes.

13 Q. What was -- how was the vacuum seal machine used in
14 connection with this operation?

12:33:47PM 15 A. My brother and Lei use them to -- when they stack the
16 money, vacuum seal the money.

17 Q. The vacuum sealer was used by your brother and Lei to
18 vacuum seal packages of money?

19 A. Yes.

12:34:00PM 20 Q. All right. If you can clear your marks and we can go to
21 584? Government's Exhibit 584, do you recognize anything in
22 that photo?

23 A. Yes.

24 Q. What do you recognize in that photo?

12:34:18PM 25 A. I recognize the strainer and I recognize the glass

1 container.

2 Q. You've made three marks on there over the objects on the
3 floor in that photograph; is that right?

4 A. Yes.

12:34:31PM 5 Q. What do you recognize those objects to be used for?

6 A. The strainer my brother used to put the coke in it and put
7 it on top of the glass, use to strain it. The glass where he
8 used to cook the crack.

9 Q. All right. And that's at 292 Barrington as well?

12:34:50PM 10 A. Yes.

11 Q. If you can clear your marks? I'd like to show you
12 Government's 585. Do you recognize, first of all, what area
13 of the house this is a photograph of?

14 A. This is on top of the refrigerator.

12:35:12PM 15 Q. At where?

16 A. Barrington.

17 Q. Do you recognize anything on the top of the refrigerator
18 at Barrington that was used in connection with the processing
19 or packaging of drugs?

12:35:25PM 20 A. Yes.

21 Q. What do you recognize?

22 A. I recognize the baking soda.

23 Q. All right. Can you tell us how many boxes of baking soda
24 there are in that photograph?

12:35:40PM 25 A. Six.

1 Q. All right. How was the baking soda used in connection with
2 the drug operation?

3 A. The whole operation? How my brother's --

4 Q. Did you see baking soda used in connection with the drugs?

12:35:57PM 5 A. Yes.

6 Q. How did you see it used?

7 A. My brother used it when he used to cook the 62s, he put it
8 in the glass container with the water and the asthma liquid.

9 Q. I'm sorry, I didn't catch that. With the what?

12:36:10PM 10 A. The little things got the liquid for the asthma therapy.

11 Q. Okay.

12 A. I don't know the name of it.

13 Q. So he would put the baking soda in what?

14 A. Put the 62 inside the glass container, put the baking soda
12:36:26PM 15 in it, put some water in there, put the liquid asthma in
16 there, he got a bottle he spray in there when he put the water
17 in, put it in the microwave and cook the crack.

18 Q. So he mixed the baking soda with the cocaine to cook it
19 into crack?

12:36:40PM 20 A. Yes.

21 Q. All right. Now, did your brother live at 292 Barrington?

22 A. No.

23 Q. Who lived there?

24 A. Me.

12:36:49PM 25 Q. Did you cook cocaine into crack cocaine?

1 A. No.

2 Q. So these items that we're looking at 585, those six or so
3 boxes of baking soda, were used by who?

4 A. By my brother Javi.

12:37:09PM 5 Q. All right. Now, you mentioned earlier that at these
6 apartments in addition to the spoons and the bags and some of
7 these other items you testified about, there were guns there?

8 A. Yes.

9 Q. Can you describe the guns that you observed in these
12:37:26PM 10 apartments that you used to bag drugs at for your brother
11 Javi?

12 A. I saw -- at 699 I saw 9 millimeter, Ruger, and two TECs.

13 Q. Two TECs?

14 A. Yeah, two TECs, two TEC-9s.

12:37:50PM 15 Q. Hand guns or long guns you observed?

16 A. Automatic weapons; and the TEC same one.

17 Q. TEC what?

18 A. The TEC.

19 Q. You're gesturing with your hands, I don't know, about a
12:38:06PM 20 foot?

21 A. Like this. Not a rifle. It's a TEC-9.

22 Q. You said you saw that where?

23 A. I saw that at 699.

24 Q. All right. I'm going to show you Government's Exhibit
12:38:20PM 25 614. Do you recognize what's shown in Government's 614?

1 A. No.

2 Q. You don't recognize those firearms in 614?

3 A. No.

4 Q. All right. In viewing the firearms -- in looking at the
12:38:44PM 5 firearms in 699 East Main, whose firearms were they?

6 A. My brother Javi.

7 Q. How do you know the firearms at 699 East Main were your
8 brother Javi's?

9 A. My brother Javi showed me. He tell me that's his gun.

12:39:03PM 10 He's our boss.

11 Q. Did you see guns at other apartments other than 699 East
12 Main?

13 A. I saw in Culver.

14 Q. You saw guns at Culver?

12:39:15PM 15 A. Yes.

16 Q. Were they the same guns or different guns than you had
17 seen at East Main?

18 A. In Culver I saw a Ruger.

19 Q. You saw a Ruger?

12:39:22PM 20 A. Yeah, a Ruger at Culver.

21 Q. Ruger handgun or rifle?

22 A. Ruger automatic handgun.

23 Q. Handgun?

24 A. Yes.

12:39:32PM 25 Q. All right. Do you recall seeing any other firearms?

1 A. Not that I can recall, no.

2 Q. What was the purpose of the firearms at these locations?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** Overruled. If he knows. You can answer
12:39:50PM 5 that.

6 **THE WITNESS:** In case there was a problem on the
7 block and the muscle is going to handle, my brother send them
8 to deal with the problems with the guns.

9 **BY MR. MARANGOLA:**

10 Q. Now, you testified that you saw guns at the Culver
11 building? The Culver Road building; is that right?

12 A. Yes.

13 Q. All right. I'm going to show you Government's 94 -- 95.
14 Do you see Government's 95?

15 A. Yes.

16 Q. You said you had seen guns at that location before?

17 A. Yes.

18 Q. You said that there were multiple apartments that you used
19 to bag at that location; is that right?

20 A. Yes.

21 Q. Did there come a time when you stopped utilizing an
22 apartment at the Culver Road building?

23 A. Yes.

24 Q. Can you tell us what the reason was?

25 A. Axel was one of my brother's worker, he broke into
12:41:02PM

1 the building -- into one of the apartment on the third
2 floor, and he stole -- he stole some drugs and gun from my
3 brother.

4 Q. Do you recall when that was?

12:41:18PM 5 A. No.

6 Q. Tell us how you first learned about that.

7 A. I learned that from my brother Javi. Ishmael, the one
8 that run the building, call my brother and tell him what
9 happened.

12:41:32PM 10 Q. How did you first learn about it?

11 A. From my brother.

12 Q. Tell us what happened.

13 A. My brother told me they got to go to Culver, they broke
14 into the apartment.

12:41:46PM 15 Q. All right. What did you do after your -- do you remember
16 what time your brother told you that? What time of day?

17 A. No.

18 Q. After your brother told you that, what did you do?

19 A. Me, my brother and Lei went to Culver.

12:42:01PM 20 Q. To the building shown in Government's 95?

21 A. Yes.

22 Q. Tell us what happened when you and your brother and Lei
23 went there.

24 A. We arrive there. Then my brother make some phone call,

12:42:12PM 25 Tapon arrive there, we proceed to go back in the building,

1 Ishmael let us go with him -- he went to the basement and he
2 show us in the computer who broke into the apartment.

3 Q. I'm going to show you what's in evidence as Government's
4 Exhibit 43. Do you recognize who is shown in Government's
5 Exhibit 43?

6 A. Yes.

7 Q. Who is that?

8 A. That's Ishmael.

9 Q. And who is Ishmael?

10 A. Ishmael was the guy that was in charge of 699 and Culver,
11 them two buildings.

12 Q. The two buildings at 699 East Main and the Culver Road
13 building?

14 A. Yes. And he was managing the last -- the last building
15 too where I use to live at.

16 Q. The last building on Main Street?

17 A. On Main Street, yeah.

18 Q. Did Ishmael have a relationship with Javi?

19 A. Yes.

20 Q. What was his relationship with Javi?

21 A. Like my brother, say he love him like a brother.

22 Q. All right. What did Ishmael do for your brother?

23 A. My brother told me that he was living in the building, one
24 day the police went to his apartment and they found some
25 bullets. And Ishmael, looking out for him, told one of his

1 workers that he used to use drugs, offer him \$5,000 to tell
2 the police that was his bullet; he put them in my brother
3 apartment so my brother don't get in trouble. That's how they
4 got real close.

12:43:36PM 5 Q. Who did Javi go through to get apartments in 699 East Main
6 or the Culver Road building?

7 A. Ishmael.

8 Q. All right. So on this particular day Javi called you about
9 a break-in?

12:43:51PM 10 A. Yes.

11 Q. And you went to the Culver Road building and spoke to
12 Ishmael?

13 A. We went down there, Ishmael open the door, we went to the
14 basement.

12:43:59PM 15 Q. The basement of what building?

16 A. Culver.

17 Q. All right. Tell us what happened when you went into the
18 basement of the Culver Road building with Ishmael.

19 A. We went to the basement and Ishmael show us the video that
12:44:13PM 20 show Axel because Axel show his face; and the other person it
21 looked like had a mask, but it was the hoodie and how they was
22 running with the book bag of stuff they stole from the
23 apartment.

24 Q. All right. You saw videos in the basement at Culver Road
12:44:29PM 25 with Ishmael?

1 A. Yes.

2 Q. Who else was there when you saw those videos?

3 A. It was my brother, me, Lei, and Tapon.

4 Q. All right. At this time I'd like to publish what is in

12:44:43PM 5 evidence as Government's Exhibit 676, the first video from the

6 Culver Road folder. Mr. Figueroa, do you recognize what's

7 shown in this video?

8 A. Yes.

9 Q. What do you recognize this video to be?

12:45:10PM 10 A. That's the video that I saw when Axel broke into the

11 apartment.

12 Q. All right.

13 A. That's Axel looking at the camera.

14 Q. The individual -- we paused it at 36 seconds into the

12:45:38PM 15 clip. The individual on the right side of the screen looking

16 up at the camera is who?

17 A. Axel.

18 Q. All right. Could you tell who the other person on the

19 left side of the screen was?

12:45:50PM 20 A. The other person we didn't know first who it was.

21 Q. All right. Can you tell us what, if anything, was said by

22 Javi at the time this and the other videos were played?

23 A. He was mad. He was making phone calls calling different

24 people.

12:46:05PM 25 Q. Who was Javi calling?

1 A. I don't know.

2 Q. When you say he was mad, can you tell us what you observed
3 that led you to the conclusion he was mad?

4 A. His face, he was mad it was Axel, his face.

12:46:21PM 5 Q. What did Javi say after that?

6 A. After that Cabra arrived, he send us to go get Obed.

7 Q. All right. Did you leave to go find Obed?

8 A. Yes.

9 Q. Before you left did you go up to the Culver Road
12:46:42PM 10 apartment?

11 A. No.

12 Q. All right. What happened after -- did you -- who did you
13 leave with?

14 A. I leave with Tapon and Cabra.

12:46:53PM 15 Q. Who did you go look for?

16 A. Obed.

17 Q. Eventually did you talk to Obed?

18 A. What did you mean? When I got there or --

19 Q. Eventually that day did you talk to Obed?

12:47:04PM 20 A. Yes.

21 Q. All right. Who else did you go looking for that day? Who
22 were you trying to find that day?

23 A. Axel.

24 Q. And did you go to different places trying to find Axel?

12:47:18PM 25 A. Yes.

1 Q. Did you find Axel that day?

2 A. No.

3 Q. All right. Do you recall learning about a shooting on
4 Miller Street?

12:47:34PM 5 A. Yes.

6 Q. How did you learn about the shooting on Miller Street?

7 A. The shooting on Miller Street, I found out about my
8 brother told me.

9 Q. You say your brother. Who told you?

12:47:48PM 10 A. My brother Javi told me.

11 Q. All right. Where were you at the time of the shooting on
12 Miller Street?

13 A. I was at work.

14 Q. What did your brother tell you when he first told you
12:48:02PM 15 about the shooting on Miller?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. Go ahead, you can answer.

18 **THE WITNESS:** Tell me I got to go to the hospital
19 and see Obed, that Obed got shot.

12:48:13PM 20 **BY MR. MARANGOLA:**

21 Q. Did you go to the hospital with your brother?

22 A. Yes.

23 Q. And who did you see at the hospital?

24 A. I saw Obed.

12:48:20PM 25 Q. And had he, in fact, been shot?

1 A. Yes.

2 Q. Do you recall anybody else being at the hospital?

3 A. Leitscha.

4 Q. Do you recall Javi telling you anything about what
12:48:35PM 5 happened to Axel that day?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. You can answer.

8 **THE WITNESS:** Axel got locked up.

9 **BY MR. MARANGOLA:**

12:48:44PM 10 Q. Is that what Javi told you?

11 A. Yes.

12 Q. Did Javi make any statements to you regarding concern
13 about the fact that Axel got locked up?

14 **MR. VACCA:** Objection, Your Honor.

12:48:57PM 15 **THE COURT:** Overruled. Go ahead. You can answer.

16 **THE WITNESS:** Yes.

17 **BY MR. MARANGOLA:**

18 Q. Tell us what he said.

19 A. He said Axel know a lot, he gonna talk.

12:49:06PM 20 Q. I'm sorry, can you slow down a little bit? I didn't hear
21 what you said.

22 A. He said Axel know a lot, he gonna tell on us.

23 Q. He said that Axel knows a lot and what?

24 A. He could tell on us.

12:49:17PM 25 Q. Did Javi express concern that Axel might tell on you?

1 A. Yeah, tell on him, like tell on the group.

2 Q. When you say tell on, what do you mean?

3 A. Like tell the police what he doing.

4 Q. All right.

12:49:33PM 5 A. Selling drugs.

6 Q. Did Javi take any steps to determine whether, in fact,
7 Axel was cooperating with the police?

8 A. No.

9 Q. Did you ever go to court appearances for Axel?

12:49:51PM 10 A. Yes, we took -- we took his mother to court.

11 Q. When you say we took his mother to court, who are you
12 referring to?

13 A. Me and my brother Javi.

14 Q. You and your brother Javi took who to court?

12:50:03PM 15 A. Axel mother to court.

16 Q. Where?

17 A. We picked up -- I don't remember the building -- we was
18 parked in front of the building, was in court.

19 Q. You parked in the front of some court?

12:50:16PM 20 A. Yeah.

21 Q. You and Javi?

22 A. Yes.

23 Q. Why did you and Javi take Axel's mother to the court?

24 A. I was with him and he picked her up. I didn't know he was
12:50:25PM 25 gonna pick her up. He pick her up and drop her to court.

1 Q. What, if anything, did Javi say to Axel's mom?

2 A. He ain't said nothing. It was regular conversation.

3 Q. Did he speak to her after court?

4 A. No, I don't know.

12:50:45PM 5 Q. All right. Now, you said Obed got shot that day?

6 A. Yes.

7 Q. I mean, the day the Miller Street shooting Obed got shot?

8 A. Yes.

9 Q. Who shot him?

12:51:02PM 10 A. Axel.

11 Q. All right. Did your brother tell you how much Axel had
12 taken from the apartment on Culver?

13 A. Yes.

14 Q. What did your brother tell you?

12:51:17PM 15 A. My brother say he stole a kilo and two guns.

16 Q. Did he tell you a kilo of what?

17 A. Heroin.

18 Q. And two guns, that's what he said?

19 A. Yes.

12:51:29PM 20 Q. Now, did Javi's guns ever get used by any -- other than
21 Axel, did Javi's guns get used by other members of the group
22 during the time you worked for Javi?

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** Overruled. If he knows.

12:51:51PM 25 **THE WITNESS:** They probably did, but I don't know.

1 **BY MR. MARANGOLA:**

2 Q. They probably did, but you don't know?

3 A. I don't know.

4 Q. All right. Did you ever hear from members of the group
12:52:00PM 5 about any shootings that they were involved in?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled.

8 **THE WITNESS:** Yes.

9 **BY MR. MARANGOLA:**

10 Q. Can you tell us some of those shootings and who told you
11 about them?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled. As long as he says who told
14 him about them first.

15 **THE WITNESS:** My brother Javi told me.

16 **BY MR. MARANGOLA:**

17 Q. What did your brother -- what shootings did your brother
18 Javi tell you about?

19 **MR. VACCA:** Objection, Your Honor.

20 **THE COURT:** Overruled.

21 **BY MR. MARANGOLA:**

22 Q. You can answer.

23 A. Leo Street.

24 Q. What did your brother Javi tell you about a shooting on
12:52:37PM 25 Leo Street?

1 A. When -- when Obed and Vic was talking to my brother and
2 they shot -- they shot -- instead of Pepe, they shot Pepe
3 brother.

4 Q. What did your brother tell you about that?

12:52:57PM 5 A. He was trying to move the block.

6 Q. Who was trying to move the block?

7 A. Pepe was trying to move the block.

8 Q. By saying trying to move the block, what did you
9 understand that to mean?

12:53:07PM 10 A. He was -- he had a flip phone, that *maraca*, and he had
11 some customers -- he used to sell for my brother. He wasn't
12 working with my brother no more. He was gonna get customers
13 and move them to where he was working at.

14 Q. Did your brother tell you about any other shootings that
12:53:22PM 15 members of the operation were involved in?

16 A. Yes.

17 Q. What did he tell you?

18 **MR. VACCA:** Objection, Your Honor.

19 **THE COURT:** Overruled. Go ahead.

12:53:32PM 20 **THE WITNESS:** He tell me about Gargola.

21 **BY MR. MARANGOLA:**

22 Q. What did your brother tell you about Gargola?

23 A. That Gargola stole some grams from Pistolita and Pistolita
24 got mad, he bring that situation to my brother. I was there.

12:53:50PM 25 We was all talking about it. And my brother gave him the

1 green light to get him.

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Yes, the last part of the answer will be
4 stricken.

12:54:00PM 5 **BY MR. MARANGOLA:**

6 Q. All right. Did your brother tell you about any other
7 shootings?

8 A. Yes.

9 Q. What did he tell you?

12:54:08PM 10 **MR. VACCA:** Objection, Your Honor.

11 **THE COURT:** Overruled.

12 **THE WITNESS:** He told me about the black guy that
13 got killed on North Clinton right in front of the street.

14 He was talking to Tapon about it and right there talking to

12:54:28PM 15 them about it and Tapon killed him, killed the black guy in
16 front of North Clinton.

17 **BY MR. MARANGOLA:**

18 Q. Did Javi or anyone tell you about a shooting at the Valero
19 gas station?

12:54:45PM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** Overruled. If he says who did it. Who
22 made the statement? Who told you about a shooting?

23 **MR. MARANGOLA:** The judge is asking you about --

24 **THE WITNESS:** I know about a shooting. My brother
12:55:02PM 25 was orchestrating the shooting. He got -- he got Pepone --

1 this guy named Pepone -- he went to the Home Depot van and my
2 brother was changing the numbers of the Home Depot van and put
3 a banshee license plate, and Vic and Obed and Pepe was
4 driving, he send them over there to shoot a guy, they was
12:55:22PM 5 fighting with Vic.

6 And me and my brother was driving this truck. I
7 was in the truck with him and Lei and Pepe was coming down
8 Clinton Avenue after the shooting expecting to see people
9 laying out.

12:55:36PM 10 Q. Who was expecting --

11 MR. VACCA: Objection, Your Honor, as to what
12 someone's expecting.

13 THE COURT: It was a statement, right? Somebody
14 said that?

12:55:45PM 15 THE WITNESS: Yeah, my brother.

16 THE COURT: What did he say?

17 THE WITNESS: He say he expecting people to be laid
18 out after the shootout. He was waiting for the people -- to
19 get there expecting for them to get shot.

12:55:54PM 20 BY MR. MARANGOLA:

21 Q. What did you and your brother see?

22 A. People ain't got shot.

23 Q. All right. All right. Now, you just said somebody rented
24 a vehicle?

12:56:04PM 25 A. Yes.

1 Q. What was the vehicle?

2 A. It was a U-Haul van.

3 Q. All right. Then you said something about -- was the
4 information on that vehicle changed at all? Any numbers on
12:56:18PM 5 that vehicle?

6 A. Yes.

7 Q. What were the numbers that were changed on it?

8 A. My brother got the electrical tape, black electrical tape,
9 with a razor he changed the number and the letter so it don't
12:56:30PM 10 show the -- that it's -- and he put a fake banshee plate,
11 license plates.

12 **MR. VACCA:** Objection, Your Honor.

13 **BY MR. MARANGOLA:**

14 Q. When you say banshee --

12:56:41PM 15 **THE COURT:** Overruled. The answer will stand. Go
16 ahead.

17 **BY MR. MARANGOLA:**

18 Q. When you say banshee plate, what's a banshee plate?

19 A. Banshee license plate.

12:56:49PM 20 Q. A license plate off a different vehicle?

21 A. A banshee.

22 Q. You're turning your hands like a motorcycle?

23 A. Four-wheeler, yeah, a banshee.

24 Q. Banshee is a four-wheeler?

12:57:02PM 25 A. Yeah, like a four-wheeler.

1 Q. Javi got a license plate off a four-wheeler and put it on
2 what?

3 A. Put it on the Home Depot van.

4 Q. On a Home Depot van?

12:57:14PM 5 A. Yes.

6 Q. All right. And that was before the shooting?

7 A. Yes.

8 Q. Did anyone tell you why they were going to shoot somebody?

9 **MR. VACCA:** Objection, Your Honor.

12:57:24PM 10 **THE COURT:** Yes, sustain that.

11 **BY MR. MARANGOLA:**

12 Q. Did you talk to Vic or Obed about why they were going to
13 shoot somebody?

14 **MR. VACCA:** Objection, Your Honor.

12:57:38PM 15 **MR. MARANGOLA:** Co-conspirator statement.

16 **THE COURT:** Overruled. He can answer that. Vic or
17 Obed?

18 **THE WITNESS:** Yes.

19 **BY MR. MARANGOLA:**

12:57:43PM 20 Q. What did Vic or Obed tell you?

21 A. They was telling me and telling my brother -- they was
22 telling my brother, I was right there, telling us that they
23 were passing samples.

24 Q. Who was passing samples?

12:57:54PM 25 A. Vic and Obed. They were passing sample bags of dope in

1 the Valero. This guy name Mimic got mad because he said that
2 was his spot. He punch Vic on his face. So Vic came back,
3 tell my brother, and my brother orchestrate that so they can
4 retaliate.

12:58:10PM 5 **MR. VACCA:** Objection, Your Honor.

6 **THE COURT:** Sustained to the last part of the answer
7 regarding my brother orchestrate.

8 **BY MR. MARANGOLA:**

9 Q. All right. Mr. Figueroa, you testified earlier that your
12:58:22PM 10 involvement in the defendant's drug operation changed over
11 time?

12 A. Yes.

13 Q. And as it changed did you begin to learn more details of
14 the operation the longer you worked for the defendant?

12:58:37PM 15 A. Yes.

16 Q. Can you tell the jury -- you testified that kilos of
17 cocaine were coming from Puerto Rico; is that right?

18 A. Yes.

19 Q. Are you aware of how Javi was paying Pablo, the
12:58:57PM 20 Puerto Rico source, for those kilos?

21 A. Yes.

22 Q. How were you aware of that?

23 A. Because I spoke to my brother Javi. He told me about it.

24 Q. What did your brother Javi tell you in regard to how he
12:59:10PM 25 paid for the kilos of cocaine that were coming from

1 Puerto Rico?

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Overruled. You can answer.

4 **THE WITNESS:** He was waiting for the Spanish guy who

12:59:20PM 5 live in New York City and he come to Barrington and pick up
6 the money and take it to New York so they can get it sent to
7 Puerto Rico to Pablo.

8 **BY MR. MARANGOLA:**

9 Q. Javi told you about that?

12:59:35PM 10 A. Yes.

11 Q. Did you ever meet or see anyone who came from
12 New York City to collect money to bring back eventually to
13 Pablo for the kilos of cocaine in Puerto Rico?

14 A. Yes.

12:59:46PM 15 Q. Where did that -- where did you see that person?

16 A. I saw that person in Barrington.

17 Q. Can you tell us about that occasion --

18 A. Yes.

19 Q. -- when you saw --

12:59:58PM 20 A. Yes, my brother had a big stack of money vacuum seal, it's
21 big, and he say he waiting for the guy from Puerto Rico to
22 come and get it. He was in a -- got in the car, he saw the
23 other guy, and I saw this guy come in and he ain't talk much.
24 He got the money, the money got some type of paper inside a
01:00:21PM 25 vacuum seal that say how much, but I really didn't know how

1 much it was. And it was hundreds of thousands, but I didn't
2 know how much it was.

3 Q. All right. Can you describe the -- you put your hands up
4 for a minute -- the quantity. I assume this is cash?

01:00:34PM 5 A. Yes.

6 Q. And it's vacuum sealed?

7 A. Yes.

8 Q. Can you show us with your hands about how big the package
9 of vacuum sealed cash was?

01:00:43PM 10 A. So big.

11 Q. All right. Just hold one of those measurements at a time
12 so I can estimate. All right. And you're estimating about --
13 I don't know, 2 feet wide with your hands; is that right? And
14 about how high was the stack of money?

01:00:58PM 15 A. Like this.

16 Q. That about a foot high?

17 A. Yeah.

18 Q. Okay. Now, you testified that you didn't know the exact
19 amount; is that right?

01:01:10PM 20 A. Yes.

21 Q. You said there was a piece of paper with the money?

22 A. Yes.

23 Q. What type of piece of paper did you see?

24 A. Like a square piece of paper.

01:01:20PM 25 Q. Was there writing on it?

1 A. Yes.

2 Q. And do you remember what the writing was?

3 A. No.

4 Q. All right. What did the guy that came from -- the guy that
01:01:34PM 5 was going to bring the money back to Pablo, what did he do
6 with the vacuum sealed package of cash that Javi had?

7 A. He took it with him.

8 Q. What did he take it with?

9 A. It was in a bag, big bag.

01:01:48PM 10 Q. A big bag?

11 A. Yeah.

12 Q. Where did he go with the big bag?

13 A. Went to his car.

14 Q. And did you see him after that?

01:01:55PM 15 A. No.

16 Q. All right. I'd like to publish from the pole camera
17 compilation, which is Government's Exhibit 22, at 2:40 p.m. on
18 January 11th. Mr. Figueroa, do you recognize the individual
19 walking up carrying the garbage can?

01:02:44PM 20 A. Yes.

21 Q. Who is that?

22 A. That's Obed.

23 Q. And he's standing next to a vehicle right now and we have
24 it paused at 18 seconds in the clip. Do you see him standing

01:02:56PM 25 next to a vehicle?

1 A. Yes.

2 Q. And what vehicle do you recognize that to be?

3 A. That's my brother's Mercedes.

4 Q. And this is at your house at 292 Barrington Street; is
01:03:07PM 5 that correct?

6 A. Yes.

7 Q. You see the other vehicle in the driveway that came in
8 behind your brother's?

9 A. Yes.

01:03:13PM 10 Q. Did you recognize that vehicle at all?

11 A. No.

12 Q. All right. If we can play? If we could pause here? At
13 44 seconds into the clip we've paused it. Mr. Figueroa, do
14 you recognize anyone in between your brother's Mercedes and
01:03:56PM 15 the other vehicle in the driveway now?

16 A. That's the guy that came and got the money from New York.

17 Q. That's the guy that came that you just testified about?

18 A. Yes.

19 Q. All right. If we can play? Pause here. Do you see an
01:04:13PM 20 individual who walked from the front of the black Mercedes,
21 appears to be in a black sweatshirt with something gold in the
22 middle?

23 A. Yes.

24 Q. Who is that?

01:04:24PM 25 A. That's my brother Javi.

1 Q. All right. Now, what vehicle were you driving in January
2 of 2018?

3 A. Acura.

4 Q. An Acura?

01:04:35PM 5 A. Yes.

6 Q. What color was that?

7 A. What color? Gray.

8 Q. And do you see that in the driveway here?

9 A. No.

01:04:46PM 10 Q. All right. If we could play? Where did you see Javi and
11 the man who collected the money and Obed go? Do they go out
12 of the screen?

13 A. Yes.

14 Q. Toward the door at Barrington?

01:05:07PM 15 A. Yes.

16 Q. All right. At this time I'd like to publish from
17 Government's Exhibit 22 the clip beginning at 2:48 p.m. and
18 I'd like to fast forward to 3 minutes and 47 seconds into the
19 clip. Do you recognize the individual shown here in the clip
01:05:44PM 20 that's paused at 3:51?

21 A. Yes.

22 Q. Who do you recognize that person to be?

23 A. That's the guy that come from New York to get the money to
24 send it to Pablo.

01:05:53PM 25 Q. And when you first saw him in the previous clip, did he

1 have anything in his hands?

2 A. No.

3 Q. Can you tell us what, if anything, you see different about
4 this clip?

01:06:05PM 5 A. He got a bag in his hand.

6 Q. All right. If we could play? What did you see the guy
7 from New York City with the bag in his hand do?

8 A. Put the bag in the car.

9 Q. And what's he doing now?

01:06:55PM 10 A. He's leaving.

11 Q. All right. Who just ran up the driveway?

12 A. That's Obed.

13 Q. All right. If we can fast forward here to 9 minutes and 58
14 seconds into this clip? Now, at this point, Mr. Figueroa,
01:07:19PM 15 there's only one vehicle in the driveway; is that right?

16 A. Yes.

17 Q. And that's your brother's black Mercedes?

18 A. Yes.

19 Q. All right. We just saw two people come from near the door.
01:07:31PM 20 Did you recognize them?

21 A. Yes.

22 Q. Who was wearing the black?

23 A. That's my brother Javi.

24 Q. And he walked around toward the driver's seat of the black
01:07:39PM 25 Mercedes?

1 A. Yes.

2 Q. And where did Obed go?

3 A. To the passenger side.

4 Q. Now, were you inside the residence at this time during the
01:07:58PM 5 time that we're watching this clip?

6 A. No.

7 Q. All right. So the time that you previously saw -- what are
8 we watching here at approximately 10 minutes and 45 seconds in
9 the clip? What did we just see there?

01:08:17PM 10 A. He's backing up.

11 Q. Okay. All right. Now, you testified earlier about seeing
12 an occasion where the guy came and collected hundreds of
13 thousands of dollars; is that right?

14 A. Yes.

01:08:29PM 15 Q. Was that the occasion we just saw on the screen or was
16 that a different occasion?

17 A. Different occasion.

18 Q. Okay. So this occasion here you were not at 292 Barrington
19 Street? Okay. So Javi and Obed and that man went in there
01:08:48PM 20 without you?

21 A. Yes.

22 Q. If we could go to Government's Exhibit 22 again from the
23 compilation on that same day January 11th at 3:28 p.m.? Do
24 you recognize this street that we're looking at here?

01:09:10PM 25 A. Yes.

1 Q. What street is this?

2 A. That's Burbank.

3 Q. All right. And if we can play? Do you recognize any
4 vehicle?

01:09:22PM 5 A. Yes.

6 Q. What did you recognize?

7 A. My brother's Mercedes.

8 Q. All right. It just pulled into 6 Burbank?

9 A. Yes.

01:09:33PM 10 Q. All right. We can pause it there. Mr. Figueroa, in
11 addition to a man coming up to Barrington to collect money to
12 bring back to Pablo, were you aware of any other ways that
13 money came from your brother Javi to Puerto Rico to pay for
14 kilos of cocaine?

01:09:57PM 15 A. Yes.

16 Q. What other ways?

17 A. So Yankee got two big luggages and they was putting money
18 in the luggages with his clothes, came with -- to his friend,
19 and they was gonna go to Puerto Rico with it.

01:10:12PM 20 Q. You say two big luggages. Two suitcases?

21 A. Yes, two big suitcases, yeah.

22 Q. And tell us what happened on those -- on that occasion.

23 A. On that occasion they was -- they came from Puerto Rico,
24 and they was -- the money was vacuum seal, they put it in
01:10:36PM 25 around the clothes so they don't get detected, and they --

1 **MR. VACCA:** Objection, Your Honor.

2 **THE COURT:** Overruled. Go ahead.

3 **THE WITNESS:** So they -- they don't get detected,
4 and they was gonna go to Puerto Rico with the money. Some of
01:10:50PM 5 the money was gonna go to Pablo and \$10,000 was supposed to go
6 to Freddie.

7 **BY MR. MARANGOLA:**

8 Q. When you say Freddie, who are you talking about?

9 A. Freddie Silva.

01:11:00PM 10 Q. So Yankee took two suitcases of money to Puerto Rico or
11 one?

12 A. Two, there was two of them.

13 Q. Can you tell us -- compare the sizes. First of all, was
14 the money also vacuum sealed?

01:11:15PM 15 A. Yes.

16 Q. Can you compare the sizes of the vacuum sealed packages of
17 money that you saw the first time you saw the guy who came to
18 Barrington, compare that package to the size of the packages
19 of money that you saw put in the suitcases when Yankee went to
01:11:34PM 20 Puerto Rico?

21 A. When Yankee went to Puerto Rico, it was both about --

22 Q. All right. Can you hold those measurements? All right.
23 And you're measuring about, I don't know, a foot or so deep.
24 Then what was the width?

01:11:55PM 25 A. This.

1 Q. Hold that so I can see it. Sorry. About, I don't know, 2
2 feet? Then you said it was shorter? What's the height of
3 that?

4 A. Not that high. It was --

01:12:08PM 5 Q. About 6 inches? Okay. How did you know that \$10,000 of
6 that money was going to Freddie?

7 A. My brother was talking to Yankee telling him.

8 Q. What did your brother tell Yankee?

9 **MR. VACCA:** Objection, Your Honor.

01:12:26PM 10 **THE COURT:** Overruled. Go ahead.

11 **THE WITNESS:** That Freddie going to get paid
12 \$10,000. He separated them like little -- out of all that
13 money was a little stack of 10,000 that was going to Freddie.
14 He arrive in Puerto Rico, the other money go to Pablo and
01:12:46PM 15 10,000 go to Freddie.

16 **BY MR. MARANGOLA:**

17 Q. All right. Why was Freddie getting \$10,000?

18 A. Because Freddie's the guy that get the kilos from Pablo,
19 he's the one that put the kilos inside the Skittles and the
01:13:02PM 20 M&M boxes of candy and put them in a box, whole bunch of candy
21 and mail them over here.

22 Q. All right. Now, during the time that you worked for Javi
23 you picked up shipments of cocaine from Puerto Rico?

24 A. Yes.

01:13:23PM 25 Q. And they were in boxes you said?

1 A. Yes.

2 Q. How much cocaine would be in each of those boxes?

3 A. It would be 2 or 3.

4 Q. Were there any boxes that came that had no kilos?

01:13:39PM 5 A. No.

6 Q. All right. The fewest was 2 and the most was 3; is that
7 right?

8 A. Yes.

9 Q. Now, how did you learn about a shipment of cocaine coming
01:13:52PM 10 from Puerto Rico?

11 A. Because I'm part of my brother's group and my brother and
12 me and Lei talk about it.

13 Q. When you say you talk about it, what do you discuss?

14 A. That we talk about the shipments because Freddie send them
01:14:09PM 15 the form when he mail them and Lei keep track of the packages
16 when they gonna arrive, they talk to the people that are gonna
17 receive the packages, and the people that are gonna receive
18 the packages so they can pay attention when the packages
19 arrive and let them know when the packages arrive so we can go
01:14:26PM 20 pick the packages up.

21 Q. Do you know what company your brother used? What shipping
22 company your brother used to obtain the kilos from
23 Puerto Rico?

24 A. No.

01:14:34PM 25 Q. Are you familiar with the locations in Rochester that your

1 brother used to receive shipments of cocaine from Puerto Rico?

2 A. Some of them.

3 Q. All right. How were you familiar with what some of those
4 locations were?

01:14:54PM 5 A. Because some of them -- some of them was my sister-in-law;
6 some of them was living where the packages was going at, that
7 was Axel's girl; and one of Leitscha's brother.

8 Q. All right. So did you ever go to any of these locations
9 the shipments of cocaine were being sent to?

01:15:16PM 10 A. Yes.

11 Q. All right. Did you ever speak to any of the people who
12 were receiving shipments of cocaine?

13 A. Yes.

14 Q. So are you familiar with the individuals who received
01:15:31PM 15 shipments of cocaine for Javi as well as some of the locations
16 that they were received at?

17 A. Yes.

18 Q. All right. I'd like to show you Government's Exhibit 26
19 again and ask you to look at the individuals on the bottom row
01:15:54PM 20 of Government's Exhibit 26. Do you recognize any or all of
21 those individuals on the bottom row of Government's Exhibit
22 26?

23 A. I recognize all of them.

24 Q. All right. What do all of those people have in common on
01:16:15PM 25 the bottom row of Government's Exhibit 26?

1 **MR. VACCA:** Objection, Your Honor.

2 **THE COURT:** Overruled.

3 **THE WITNESS:** They all was receiving packages from
4 Puerto Rico.

01:16:22PM 5 **BY MR. MARANGOLA:**

6 Q. Okay. Starting with the bottom left, do you recognize the
7 woman with the red shirt on in the farthest left photograph
8 that you just touched on the bottom row?

9 A. Yes.

01:16:38PM 10 Q. Who is that?

11 A. That's Karina.

12 Q. Who is Karina?

13 A. Karina, that's Axel's baby mom.

14 Q. Karina is Axel's baby mom?

01:16:48PM 15 A. Yes.

16 Q. Do you know where Karina lived?

17 A. Yes.

18 Q. Where was that?

19 A. Garson, Garson Avenue.

01:16:54PM 20 Q. On Garson Avenue?

21 A. Yes.

22 Q. Did you ever go to her house to pick up a package?

23 A. Yes.

24 Q. Who did you go there with?

01:17:02PM 25 A. I went there with my brother Javi.

1 Q. All right. I'd like to show you Government's 92. Do you
2 recognize what's shown in Government's Exhibit 92?

3 A. Yes.

4 Q. What's that?

01:17:21PM 5 A. Garson. That's where Karina was living.

6 Q. That's Karina -- where Karina used to live?

7 A. Yeah.

8 Q. Did you go to that location and collect a shipment of
9 cocaine with your brother Javi?

01:17:32PM 10 A. Yes.

11 Q. All right. Let's go back to Government's Exhibit 26, if we
12 could. Mr. Figueroa, would you clear your marks? All right.
13 How about the next photo, the second photo from the left in
14 the bottom row, do you recognize the person in that
01:18:03PM 15 photograph?

16 A. Yes.

17 Q. Who is that?

18 A. That's Ingrid.

19 Q. Ingrid who?

01:18:07PM 20 A. Ingrid Mercado.

21 Q. And who is Ingrid Mercado?

22 A. That's my ex-sister-in-law. That's my brother Felix's
23 baby mom.

24 Q. Your ex-sister-in-law?

01:18:18PM 25 A. Yes.

1 Q. Your brother -- what did you say after?

2 A. My brother Felix baby mom.

3 Q. All right. Where did Ingrid Mercado live?

4 A. She lived 59 Fernwood.

01:18:30PM 5 Q. And is that also a place that you had previously lived at?

6 A. Yes.

7 Q. Did you ever pick up a package of cocaine from Puerto Rico
8 from Ingrid Mercado?

9 A. Yes.

01:18:45PM 10 Q. All right. Let's go to the photo -- the center photo in
11 the bottom row. Do you recognize the individual in that
12 photograph, the center bottom row?

13 A. Yes.

14 Q. And who is that?

01:18:58PM 15 A. That's Anthony.

16 Q. Who is Anthony?

17 A. Anthony is Leitscha Poncedeleon brother.

18 Q. And was Anthony involved in obtaining shipments of cocaine
19 for Javi from Puerto Rico?

01:19:13PM 20 A. Yes.

21 Q. Do you know where?

22 A. No.

23 Q. Did you ever collect a shipment of cocaine from Anthony?

24 A. Yes.

01:19:20PM 25 Q. Where was it?

1 A. I don't remember the building.

2 Q. All right. Who's in the photograph next to Anthony on the
3 right? The second from the right?

4 A. That's his brother.

01:19:37PM 5 Q. What's his name?

6 A. CJ.

7 Q. And so CJ and Anthony are brothers?

8 A. Yes.

9 Q. Of Leitscha?

01:19:48PM 10 A. Yes.

11 Q. Did CJ pick up packages of cocaine for Javi?

12 A. Did he receive packages?

13 Q. Did he receive packages?

14 A. He probably did, but I can't remember.

01:20:00PM 15 Q. You don't remember?

16 A. I don't remember.

17 Q. Okay. Did you ever go to a location and obtain a shipment
18 of cocaine from CJ?

19 A. Not that I can remember.

01:20:11PM 20 Q. Pardon?

21 A. I don't remember.

22 Q. You don't remember?

23 A. I don't remember if I did or not.

24 Q. Okay. And finally the bottom right, the last photograph

01:20:22PM 25 on the right in the bottom row, do you recognize the person in

1 that photograph?

2 A. Yes.

3 Q. Who is that?

4 A. That's Tito Bacalao.

01:20:30PM 5 Q. Say that again a little bit slower.

6 A. Tito Bacalao.

7 Q. And can you spell that for Ms. Macri here?

8 A. T-I-T-O, B-A-L-A-C-A-O.

9 Q. And who is Tito Bacalao?

01:20:53PM 10 A. That was one of my brother -- he used to -- he grow with
11 us. When he came from Puerto Rico, he use to stay in my
12 brother house on Burbank, he used to clean his house. In the
13 beginning 2013 when I was working on the table, he working the
14 table.

01:21:08PM 15 Q. Tito also worked on the table with you initially?

16 A. Yeah, a long time ago.

17 Q. Was Tito a drug user?

18 A. Yes.

19 Q. Where did Tito live?

01:21:19PM 20 A. He used to live -- when he was in Rochester or before I
21 got locked up?

22 Q. Yeah, did you ever go to an apartment to get -- pick up
23 Tito when you were in Rochester?

24 A. Yes.

01:21:31PM 25 Q. Do you recall what street it was?

1 A. St. Paul Street, a building there, but I don't remember
2 the building.

3 Q. I didn't hear your answer. Sorry?

4 A. Sure. It was by St. Paul, St. Paul.

01:21:43PM 5 Q. By St. Paul Street?

6 A. St. Paul Street, but I don't remember the building.

7 Q. I'm going to show you Government's 88 and 89. Do you
8 recognize what's shown in those two photos?

9 A. Yes.

01:22:01PM 10 Q. What do you recognize those to be?

11 A. Where Tito used to live.

12 Q. That's the apartment building that Tito used to live?

13 A. Yes.

14 Q. Okay. Do you recall approximately how often shipments of
01:22:17PM 15 cocaine would come from Puerto Rico?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. If he knows.

18 **THE WITNESS:** I don't know the number exactly how
19 much, but it was like two or three times a week.

01:22:40PM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** Overruled. The answer will stand. Two
22 to three times a week.

23 **BY MR. MARANGOLA:**

24 Q. Now, is that something that you used to keep track of?

01:22:49PM 25 A. No.

1 Q. All right. And who used to keep track of that?

2 A. My brother Javi and Leitscha.

3 Q. Do you know whether or not the individuals who received
4 packages of cocaine -- shipments of cocaine from Puerto Rico
01:23:05PM 5 for your brother were paid?

6 A. Yes.

7 Q. How do you know if they were paid?

8 A. Because I used to go with my brother and Lei and they used
9 to pay the people.

01:23:15PM 10 Q. All right. Are you aware of how much they were paid?

11 A. Yes.

12 Q. How much were they paid?

13 A. Some get paid 1,000, some get paid \$2,000.

14 Q. All right. You said that you lived at 292 Barrington. Do
01:23:38PM 15 you recall when you moved into 292 Barrington Street?

16 A. I move in 292 Barrington -- I was living on St. Paul like
17 six or seven months -- by August.

18 Q. By August of 2017?

19 A. Yes.

01:24:01PM 20 Q. Okay. Who lived there before you?

21 A. Leitscha, Yankee.

22 Q. So when you moved in did Lei continue to live there?

23 A. Yes.

24 Q. And where did Yankee go?

01:24:17PM 25 A. He was in Puerto Rico.

1 Q. Okay. Did you pay rent after you moved in to 292
2 Barrington Street?

3 A. Yes.

4 Q. How much did you pay, do you recall?

01:24:28PM 5 A. Like 7 something.

6 Q. And did you actually pay the landlord or did somebody
7 else?

8 A. Lei paid the landlord.

9 Q. Who did?

01:24:36PM 10 A. Leitscha paid the landlord.

11 Q. All right. How often was Javi over at 292 Barrington
12 Street from the time that you were living there?

13 A. Just when we received the packages. He don't go there to
14 hang out. He just go there to bag up or when the packages
01:24:53PM 15 arrive because he's the only one that open the packages. So
16 that's why he be coming through.

17 Q. All right. And you said Yankee left to go to Puerto Rico?

18 A. Yes.

19 Q. And Yankee was the one that taught Freddie?

01:25:12PM 20 A. Yes.

21 Q. What did Yankee teach Freddie?

22 A. He teach Freddie how to put the kilos inside the Skittle
23 boxes and M&M boxes and how to use the carbon paper so they
24 don't get detected.

01:25:26PM 25 Q. The carbon paper was so that the kilos wouldn't get

1 detected?

2 A. Yes.

3 Q. Can you tell us after a package a shipment of cocaine
4 arrived from Puerto Rico, tell us how things would work. What
01:25:44PM 5 would happen to it?

6 A. You referring to when we gonna pick it up or when they on
7 Barrington?

8 Q. Everything, from the time it gets to a particular house in
9 Rochester.

01:25:57PM 10 A. The packages arrive, the people that receive the packages
11 they make a phone call to Lei --

12 **MR. VACCA:** Objection, Your Honor, this is
13 speculative. I mean --

14 **THE COURT:** Overruled. Go ahead.

01:26:10PM 15 **THE WITNESS:** They make a phone call to Lei or my
16 brother, and Lei or me or my brother go and we go to the area
17 where the packages arrive, we get the packages, we bring them
18 back to 292 Barrington Street.

19 If my brother is not around, we wait for him. You
01:26:26PM 20 cannot open the packages. Touch nothing if he don't tell you.
21 So we wait for him.

22 **BY MR. MARANGOLA:**

23 Q. Why can't you open a shipment of cocaine from Puerto Rico
24 without your brother telling you?

01:26:37PM 25 A. Because we work for him, he's the boss and he don't want

1 nobody touching nothing or doing nothing without his say so.

2 You got to wait. Nobody open nothing. He got to make sure he
3 open them, everything is the way it supposed to.

4 Q. All right. So after the shipment would arrive at
01:26:55PM 5 Barrington you'd wait until Javi came?

6 A. Yes.

7 Q. And then what would happen when Javi came?

8 A. Then my brother come, he open the box, he take two boxes
9 -- the box of Skittle and the box of M&M, he open the box,

01:27:08PM 10 then he start unwrapping the carbon paper out of it, then he
11 get a razor, then he start open the plastic the kilo come in,
12 and some of that plastic got liquid inside. So he start open
13 one by one by layers until he get almost to the last layer
14 where he got some rubber band, it's like a big balloon, like

01:27:29PM 15 rubber, some of them is color, some of them black, some of
16 them different color. He open that, then another plastic,
17 it's dry, he open that, he expose the kilo, he put it on the
18 scale, he weigh it --

19 Q. I'm sorry, go ahead.

01:27:41PM 20 A. He put it on the scale, he weigh the kilo, and then he
21 start breaking the kilo of 62s.

22 Q. Now, what else would be in the box with the 2 to 3 kilos
23 that would be in there?

24 A. A whole bunch of candy.

01:27:57PM 25 Q. Candy?

1 A. Yeah.

2 Q. Why was there candy?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** If he knows why.

01:28:04PM 5 **THE WITNESS:** I don't know. That's how they would
6 send it in candy, candy box. I don't know why there was
7 candy.

8 **BY MR. MARANGOLA:**

9 Q. And was there anything else besides candy in the kilos?

01:28:17PM 10 A. I don't understand the question.

11 Q. Well, you mentioned earlier something about \$2 bills.

12 A. Oh, you're talking about inside the kilo? I thought you
13 talking about the box. Inside the kilo --

14 Q. Okay. Where were the \$2 bills?

01:28:29PM 15 A. The \$2 bills is inside the kilo where he get to the --
16 almost to the bottom of it where the plastic at, some of them
17 come with a \$2 bill to make sure Pablo know he got them, some
18 of them got like a stamp in the coat and that's how he knows
19 that everything -- ain't no problem with the kilo.

01:28:45PM 20 Q. Explain to us how the \$2 bill -- what the purpose of the
21 \$2 bill was.

22 A. The purpose of the \$2 bill was -- it's secure, that it
23 come from Pablo, it came from him. He kept the \$2 bills --
24 some of them he kept, some he send back, but he got to pick
01:29:04PM 25 the money up and that's how he knows that nobody mess with the

1 kilo, nobody did nothing to the kilo, that he was giving it to
2 Freddie. So it's all about trusting.

3 Q. All right. Mr. Figueroa, based on your involvement in the
4 operation, did you become familiar with the prices that Javi
01:29:27PM 5 was paying his suppliers for the drugs his organization sold?

6 A. Yes.

7 Q. How did you become familiar?

8 **MR. VACCA:** Your Honor, I'd object to that. We've
9 been through the weight and the cost with a number of
01:29:42PM 10 witnesses. I know it's not with this witness, but we have had
11 a number of witnesses testify to it, Your Honor, and this is
12 bolstering and duplication.

13 **THE COURT:** Thank you. Overruled. Go ahead. You
14 can answer that.

01:29:55PM 15 **BY MR. MARANGOLA:**

16 Q. The question was how did you become familiar with the
17 prices that Javi was paying his suppliers?

18 A. He told me.

19 Q. What did he tell you?

01:30:03PM 20 A. He told me he pay 13,000 for a kilo.

21 Q. Of what?

22 A. Of cocaine.

23 Q. Did he tell you what he was paying for kilos of heroin?

24 A. Yes.

01:30:16PM 25 Q. What did he tell you he paid for a kilo of heroin?

1 A. 80,000.

2 Q. \$80,000. Did he ever tell you whether those prices went
3 up or down, the \$13,000 for a kilo of cocaine or the \$80,000
4 for a kilo of heroin?

01:30:35PM 5 A. No, he just told me that one time and that was it.

6 Q. All right. Based on your involvement in the operation, did
7 you become familiar with the prices that Javi charged his
8 customers for the drugs his organization sold?

9 A. Yes.

01:30:50PM 10 Q. How did you become familiar?

11 A. Because he -- when I was going to -- when I was selling to
12 Yelder, I was serving to Yelder, he made his own price. He
13 can tell you if he can charge you for 62 2,000 or he can
14 charge you 2,300.

01:31:09PM 15 Q. When you say he made his own price, who?

16 A. My brother Javi.

17 Q. So a 62 of cocaine was typically sold by Javi for how
18 much?

19 A. 2,000.

01:31:22PM 20 Q. \$2,000?

21 A. Yes.

22 Q. How about the kilos themselves?

23 A. Kilo 32,000, 30.

24 Q. That's for an entire kilo?

01:31:39PM 25 A. For entire kilo, 30.

1 Q. Now, what about the -- did those prices change?

2 A. What prices?

3 Q. The prices that Javi charged different customers?

4 A. Yes.

01:31:54PM 5 Q. All right. How about the quantities of heroin, cocaine and
6 crack that were sold at the houses on Burbank or LaForce and
7 Conkey? Are you familiar with how much those drugs were sold
8 for?

9 A. Yes.

01:32:08PM 10 Q. How much were the bags of heroin sold for?

11 A. \$5 bag a heroin, each bag is a \$5 bag.

12 Q. What about the cocaine?

13 A. The cocaine was a \$5 bag of cocaine.

14 Q. What about the crack?

01:32:23PM 15 A. The crack was a \$10 bag of crack.

16 Q. Now, who set those prices for the bags of drugs or the
17 kilos of cocaine?

18 A. My brother.

19 Q. You mentioned that the heroin was sold for \$5 a bag?

01:32:48PM 20 A. Yes. When he sell them, he's selling a block, it's \$5 a
21 bag. The gram -- the gram go for 70 to 80. And if it's real
22 strong, he go 100 or 110.

23 Q. 110 per gram of heroin?

24 A. Yes, 100 or 110.

01:33:05PM 25 Q. You say if it's real strong, what do you mean by strong?

1 A. When people test it, when they bring the fiends that test
2 the dope and if it's real, real good in other places, a gram
3 for 100, \$110.

4 Q. Okay. Now, you talked about the sales at some of these
01:33:22PM 5 locations. Can you describe how the sales would work based on
6 your observations? The sales at houses on Conkey or LaForce
7 or Burbank.

8 A. My brother have somebody from the group selling from the
9 house and it's like the runner, the runner is in charge of the
01:33:43PM 10 guys in the house that be selling the drug from the house.

11 Then you got the lookouts, that's the lowest one.
12 They looking out for the police and they be keeping track of
13 everything; some got cameras, some are the lookout and tell
14 them how to sell the dope from the house.

01:33:59PM 15 And they always keep track with us if they low on
16 dope or they low for cocaine, they let us know by the *maracas*,
17 by the phones, and we go and deliver -- we pick up the money
18 from them and we deliver.

19 Q. The quantities that you would deliver to these houses,
01:34:15PM 20 what did you refer to them as like? The quantities of heroin
21 and cocaine that would be delivered to these drug houses, what
22 did you you refer to them?

23 A. Packages.

24 Q. Packages?

01:34:27PM 25 A. Yes.

1 Q. All right. How many packages would you typically deliver
2 to one of these houses if you were the runner?

3 A. If I was the runner?

4 Q. Yes.

01:34:37PM 5 A. Be a few bundles, a few packages.

6 Q. Well, is a few bundles the same thing as a few packages?

7 A. No.

8 Q. So how many packages would you typically deliver to a
9 location?

01:34:55PM 10 A. Like one or two packages.

11 Q. You would deliver one or two packages?

12 A. Yes, when it's heroin.

13 Q. Okay. Do you recall the specific locations that your
14 brother's operation was selling drugs from during the time you
15 worked there?

01:35:12PM

16 A. Yes.

17 Q. I'm going to ask you if you can look at Government's 82.
18 Do you recognize what's shown in Government's 82?

19 A. Yes.

01:35:27PM 20 Q. What do you recognize that to be?

21 A. That's LaForce house, selling drugs from.

22 Q. Which house on LaForce do you recognize? And you've
23 touched the screen --

24 A. Yes.

01:35:40PM 25 Q. -- over the middle house in that photograph; is that

1 right?

2 A. Yes.

3 Q. And was there any particular name or nickname that this
4 area was referred to by members of the operation?

01:35:54PM 5 A. Yes.

6 Q. What was that?

7 A. L.

8 Q. What?

9 A. The L.

01:36:02PM 10 Q. What did you do with your fingers?

11 A. The L.

12 Q. You made an L?

13 A. Yeah.

14 Q. Okay. I'd like to show you -- first before we pull this
01:36:12PM 15 up, do you remember who was selling on LaForce Street?

16 A. Yes.

17 Q. Who were some of the people selling there?

18 A. Tapon was in charge of that street, and Obed and Axel used
19 to serve the house.

01:36:24PM 20 Q. Tapon was in charge of the street, what do you mean?

21 A. Tapon was the runner on the street.

22 Q. Okay. If we could show you Government's 302. Do you
23 recognize Government's Exhibit 302, Mr. Figueroa?

24 A. Yeah -- no, I don't recognize this.

01:36:53PM 25 Q. You don't recognize the house shown in Government's 302?

1 A. No.

2 Q. Okay. I'd like to show you Government's 77. Do you
3 recognize any of the houses in Government's Exhibit 77?

4 A. Yes.

01:37:09PM 5 Q. Which houses do you recognize? All right. And you've
6 touched the blue house just to the left of the center; is that
7 right?

8 A. Yes.

9 Q. And what do you recognize that house to be?

01:37:27PM 10 A. That's two houses on Burbank sell drugs from.

11 Q. All right. And if we could -- if you can clear your marks?

12 **THE COURT:** I think this is a good time for a break.

13 **MR. MARANGOLA:** Thanks, Judge.

14

15 * * *

16 **CERTIFICATE OF REPORTER**

17

18 In accordance with 28, U.S.C., 753(b), I certify that
19 these original notes are a true and correct record of
20 proceedings in the United States District Court for the
21 Western District of New York before the Honorable Frank P.
22 Geraci, Jr. on June 1st, 2021.

23

24 S/ Christi A. Macri

25 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
Official Court Reporter